

1891-020 Chancery Causes: Charles Taylor wife & vs. M. D. L. F. Yeary &  
Lee Co.

Folder 192

Barker, Bailey, Davis, Covey, Bales, McKee, Flanary,  
Blankenship, Smith

1 Plat

CA-Estate Dispute  
T-Property

Will: 1881 : Henry H. Yeary : Lee County

-Deed



To the Hon. A. S. K. Morrison Judge  
of the Circuit Court of Lee  
County Virginia:

The bill of Complaint of  
Charles Taylor, Rachael Taylor  
his wife Elizabeth Barker, Rubin  
Taylor, Margaret Taylor his wife  
Wm D. Geary, Robert J. Bailey  
and Mary E. Bailey his wife Henry  
J. Davis Rachael Davis his wife.

The last ~~four~~ of whom are heirs  
at law of Henry M. Geary deceased.  
Noble Covey, Charles D. Covey, and  
Bales and Polly Bales his wife  
the last four of whom are heirs  
at law of Malinda Covey de-  
ceased. who would humbly  
represent, that they are heirs  
at law of one Henry Geary  
deceased, who before his death  
made and published his last  
will and Testament, a copy  
of which accompanies this  
bill marked A. and is prayed  
to be considered as part hereof.

The other heirs and legates  
under said will, are Rosa  
Smith wife of Jonathan S. Smith  
John R. Geary and M. D. L. Geary



and Benjamin F. McKee, an only son of Malinda J. McKee who afterwards intermarried with - Levey and is now deceased, leaving the Covey heirs her heirs at law.

By an inspection of said Will it will be seen, that said Benj. F. McKee was to have an equal part with the other heirs if he remained with the family and was dutiful - your complainant charges that he did not remain and was dutiful and that therefore he is not entitled to take under said will.

By the fourth clause of said will it is provided by the testator that Wm D. Geary shall be made equal with the others in property with the exception of a horse

By the fifth clause it is provided that Elizabeth M. Barker, Malinda J. McKee (mother of the Covey heirs) Peggy J. Taylor, wife of Rubin, Rachael M. Taylor wife of Charles J. Wm D. Geary and Henry M. Geary, ancestor of Mrs Bailey Smith & Davis and Marcus L. H. Geary receive



each two hundred dollar before John R. Geary receive any further portion. And finally the testator requested his wife Ruth if she could during her life, to make up any or all these sums and And at her death, that all his heirs be made equal cut of his real and personal estate.

The wife several years ago and before she had paid any of these legacies became demented and unable to take charge of her property and one of your complainants Charles Taylor, an M.D. L.F. Geary qualified as her committed and rented out her property, wound up the estate and after paying expenses paid over to the heirs the balance, so that no part of the two hundred dollar legacy has ever been paid to any of the heirs.

The said Henry Geary at the time of his death, and that of his wife Ruth, for she is now also dead, left a valuable farm in Sugar run in this County worth probably \$5000.<sup>00</sup> of



which no partition has as yet been made; nor can it same be properly done as they are advised until an account is taken, so as to ascertain the advancement made to each so as to bring them up to John R. Geary - and they charge that there is no personal estate out of which equalization can be made but that the same must be done out of the lands. The personal representatives of the said Henry Geary are,

who are made parties hereto that their accounts may be settled and adjusted.

The object of this bill therefore is to have an account of the advancement to each of said heirs, to have the said legacy paid to those entitled thereto; and all the heirs made equal to John R. Geary, and then that partition be made of said lands among those entitled thereto.



Your Complainant, would  
state that Jonathan L. Smith  
and Rosa his wife, have sold  
their interest to M. D. L. H. Geary  
and that Robert Bailey & wife  
and perhaps Davis & wife have  
sold all of their interest ex-  
cept that of the \$200. legacy.  
The premises considered therefore  
Your Complainant pray that  
M. D. L. H. Geary, John R. Geary  
Benj. H. McKee, ~~Sam Bales and~~  
~~Polly Bales and~~ and Russ D. Flannery  
Sheriff admr. of the estate of Henry Geary do  
the personal representation be  
made parties to this bill and  
answer its allegations on oath  
and on a hearing a decree be  
rendered, equalizing all the  
claims, giving the legacy to those  
who are entitled thereto, and  
making equal partition of  
said land among those en-  
titled thereto. And for all  
other further and general re-  
lief - May sub a issue &c.

A. L. Pickens  
p. 9.



Cha Taylor & Co  
et al.

53 Bill Chay

M. D. L. Fr. Geary et al.

41 Min. Reinstated

Secret I could  
the Decree him

17.50+

1859 off the coast of  
1859 off the coast of

1851



To the honorable H. S. K. Morison Judge  
of the Circuit Court of Lee County Virginia.  
The demurrer and answer of M. L. Yeary,  
(in the bill called M. D. L. F. Yeary) to a bill  
filed in this honorable Court against  
him and others by Charles Taylor & others.

This respondent says that the bill of the  
plaintiffs is not sufficient in law, and  
of this he prays the judgment of the Court &c.

But if mistaken in this, answering he says.  
It is true his father, Henry Yeary departed  
this life many years ago, having made  
and published his last will & testament,  
and leaving his heirs, Elizabeth, who married  
Wallace Barker, Rachael who married the  
said Charles Taylor, Margaret who married  
Pulvin Taylor, Wm D Yeary, Henry M Yeary  
who died leaving Mary E Bailey & her husband  
Robert J Bailey and Rachael M Davis and her  
husband Henry J Davis his heirs, Malinda  
who married Wm McKee by whom she had  
one son, Benj. F McKee, who had a daughter  
Rosa, who is now the widow of Jonathan L  
Smith deceased, and the said Wm McKee & Benj. F  
McKee having both died, the said Malinda,  
now also deceased, afterwards married Alfred  
Covey, by whom she became the mother of  
Noble Covey, Charles D Covey, & Polly Covey  
who married Wm Bales, John R Yeary and



this respondent, to whom his estate descended under his said will, subject to the provisions therein contained. It is true that the said Benj. H. McKee did not remain with the family and was not dutiful, so as to entitle himself to the legacy provided for him in said will, but his surviving daughter Rosa Smith is, as your respondent is advised, entitled to one fourth of the share of her grand mother, Malinda Caney dead, in said estate. Your respondent alleges that all of said heirs have been made equal in property &c. as provided in said will, except as to the two hundred dollars bequeathed to the others to make them equal with John R., and no account of advancements is necessary except as to said \$200<sup>00</sup> legacy.

It is true that respondents mother, Rutha Geary, <sup>who died March 1889,</sup> became demented several years ago, and he and the said Charles Laylor were appointed a committee to take charge of her estate, and did so, the said Laylor, however, taking personal or individual control, and into his hands all the said estate and proceeds thereof went, and if the said Laylor has paid out the said estate and proceeds to the heirs of the said Rutha Geary deceased, the same was done without the consent of this respondent, and the same



should have been paid, as he is advised, to those entitled to the two hundred dollars, or their vendees. It is true the said Henry Geary, at his decease, left a valuable farm and some personal property, which was occupied and used by his widow, or her Committee, during her life, the personal property being used in part to make up certain heirs equal with the others in property &c as provided in said will, and a portion of said personally went into the hands of said Geary's administrator and was paid over to the Committee of said Rutha by said Schur, and the land was re-leased out by said committee from and including the year 1882, to and including the present year 1889, and all this fund, together with the personal estate left by the said Rutha Geary deceased, went into the hands of the said Charles Taylor, and should now be available for distribution among the heirs of said Henry Geary deceased, or their vendees, towards equalizing them on the \$200- legacy, but should said sum be insufficient to thus equalize said heirs, or their vendees, then the residue will have to be provided for out of the real estate, and your respondent here joins with the plaintiffs in their prayer for partition of said real estate, after an account



and distribution of the funds in said Taylor's hands have been had as aforesaid.

Your respondent will now shew unto your honor that he is the owner of his own share in said estate, by inheritance, and that he is the owner, by purchase, of the shares or interests of Elizabeth Barker, Wm D Geary, John R Geary, Robert J Bailey & wife, Henry J Davis & wife and Rosa Smith, being  $\frac{5}{8}$  and  $\frac{1}{4}$  of  $\frac{1}{8}$  and leaving the said Charles Taylor & wife and Rulin Taylor & wife the owners of  $\frac{1}{8}$  each, and the Geary heirs the owners of  $\frac{3}{4}$  of  $\frac{1}{8}$  of said estate; and that he is entitled, under his said purchases, to the interests of his said vendors in said real estate, and the issues, rents & profits thereof, including the interest of each in the two hundred dollar legacy, as there was no personal estate out of which the same could be paid, except perhaps the sum of \$50.06 turned over to said Taylor by the Adm<sup>r</sup> of Henry Geary deceased, leaving the said legacies to be raised out of the real estate or the rents thereof. The deeds from respondents said Vendors will be filed herewith, marked "1." "2." "3." & "4." respectively. ~~Respondent is the owner of other lands adjoining the said real estate, and he alleges that his interests in said real estate can be bid off adjoining his other lands without material injury to the rights~~



~~interests of others, and this he asks to be~~  
~~done.~~ And now having fully answered  
the complainants bill this respondent prays  
hence to be dismissed with his reasonable  
costs in this behalf expended, and he will  
ever pray &c.

J. M. Morgan & Richmond & Orr.  
for respondent.

Virginia

Lee County to wit:

This day M.  
L. Geary personally appeared  
before me and made oath  
in due form that the statements  
made in the foregoing answer  
so far as they depend upon his  
own knowledge are true and  
so far as they depend upon in-  
formation derived from others  
he believes them to be true.

Given under my hand

this 3<sup>d</sup> Sept. 1889

J. A. Syatt clerk



M. L. Geary  
advs. Insurer  
Chas. Taylor & others  
Filed in open  
Court by leave  
whereof Sept. 3<sup>rd</sup> 1889  
J. A. Syatt &c



Chas J Taylor & wife Plffs }  
against- } In chy

M. D. L. Yeary et als Defts }

This cause came on finally to be heard upon the papers formerly read in the cause, and was argued by counsel, and it appearing to the Court that the defendant M. D. L. Yeary has fully paid the several <sup>of money</sup> sums & costs decreed against him ~~in~~ the cause, and there being nothing further to be done in the cause, the same is ordered to be stricken from the docket.

I J. A. G. Hyatt do solemnly swear that I have knowledge of the fact that M. D. L. Yeary has fully paid the several sums of money & costs decreed against him in the chancery cause of Chas J Taylor & wife against said Yeary & others. So help me God.  
J A G Hyatt

Subscribed & sworn to before me  
this September 3rd 1891.

James W Orr, Clerk  
in chancery Lee Cir  
- Ct.



C. J. Taylor & wife  
vs { Decree Final

M. D. L. Geary & als.

Entered Chy

O.B. pago 344x5

Sept. 3<sup>d</sup> 1891.

J. A. Hyatt

Enter this decree

H. S. K. M.

Sept 3<sup>d</sup> 1891.



Charles Taylor & wife et al  
against  
M. D. L. Gary et al

} In chie

This cause came on this day  
again to be heard upon the  
papers formerly read in the cause  
& the notice of Charles Taylor & wife  
et al against M. D. L. Gary re-  
turnable to this the 5<sup>th</sup> day of  
the present term ~~making~~ <sup>moving</sup> a cor-  
rection of the decree in this  
cause rendered December the 4<sup>th</sup>  
1890 as to ~~the~~ <sup>one</sup> errors as to the  
taxation of  
Costs & was argued by counsel  
on consideration whereof & by  
an inspection of the decree of  
December the 4<sup>th</sup> 1890 it appears  
to the Court there are errors  
therein; it is therefore adjudged  
ordered & decreed that said  
decree be & the same is hereby  
corrected altered & changed  
so as to read, The plaintiffs  
in said cause is adjudged  
to recover against M. D. L. F.  
Gary, John R. Gary, Benjamin  
F. McFee the costs of this suit  
except the costs of partition



which shall be borne equally by  
the parties in the proportion  
to the interests in the lots of the  
land assigned to ~~such as~~ <sup>each of them</sup>,  
And if not appearing what action,  
if any comes, E. M. Pennington has  
taken under a former decree of  
this court he will report to this  
court at its next term whether  
or not he has made sale of  
said land or whether or not  
the said M. D. L. F. Gray has paid  
the sums heretofore decreed a-  
gainst him, & the clerk of  
this court will tax the costs of  
this suit against the parties  
properly chargeable therewith &  
execution may issue therefor  
& no further action being  
necessary the cause is  
continued.



Charles Lutz for wife et al

vs { Deane

M.D. L. Young et al

April 1. 1891.

Entered in Chex B.

P 338-9. April 3/1891.

J. A. S. Hyatt

Enter this

April 5<sup>th</sup> 1891

14 S. R. 300



L. J. Taylor & wife et als  
against  
M. D. L. Geary et al. } In Chy

This cause  
came & this day again to be  
heard upon the papers  
formerly read, and the reports  
of C. C. Elliott, E. S. Woodward &  
H. P. Wynn, filed Nov 18<sup>th</sup>, 1890;  
and the report of John A. G. Hyatt  
filed Nov. 20<sup>th</sup> 1890, to neither of  
which said reports there are ex-  
ceptions - And the cause being  
argued by Counsel, the Court  
doth adjudge order and decree  
~~that~~, that said reports and each  
of them are confirmed and made  
final, and the parties are decreed  
to hold in fee free from the  
claims of each other the lots of  
land assigned them by the first named  
report herein, and the clerk of  
this Court will furnish to the clerk  
of the County Court, the decree ~~of~~  
in this cause directing partition  
said report & plat, and so much  
of this decree as confirms the  
same, to be by said County Court



to be by him recorded in the book kept by him for the recordation of deeds - after which he will return the same ~~and~~ to the clerk of this Court to be by him filed in the proper place.

It is further adjudged ordered & decreed that Elizabeth Barker recover from M. D. L. Geary the sum of \$166.25; That W. D. Geary recover the like sum of \$166.25 - That Robert J. Bailey & wife recover from said M. D. L. Geary the sum of \$83.12½; and Henry J. Davis & wife recover the like sum of \$83.12½ from said M. D. L. Geary - That Raza B. Smith recover from M. D. L. Geary the sum of \$41.56¼ - And these sums are decreed to be a lien upon the lot of land assigned said M. D. L. Geary; and unless he pays the same within six days from the rising of this Court then E. W. Dunnington who is hereby appointed a special Commissioner for the purpose will sell by public outcry



at the front door of the Court House so much of said land in a credit of 6 + 12 <sup>18</sup> months as will pay the same; He will require the cash and expense to be paid in hand, and for the residue take bond made payable to himself as surety bearing interest from day of sale with good personal security -

But before proceeding to execute this decree said Commissioner will ~~execute~~ <sup>except</sup> in a penalty of one thousand dollars condition to duly perform this decree - He will then advertise the same for ~~at least 30 days~~ time terms or place of sale for at least 30 days on the front door of the Court House of this County and in the neighborhood where the land lies - He will report his action to this Court at its next term. And it adjudged ordered and decreed, that the defendant recover the costs of this suit except the costs of partition which shall be borne, equally by all the



Chas. T. Taylor & wife

23 Decrue

M.D.L. Yecary et al

Decr. 7. 1890

Remains in A.B.

2 pages 312-13.

Recorded and  
Booked 26. 1890  
-313

Euler this  
Dec. 4. 1890  
H. S. K. M.

parties in the property to the  
interest assigned them, and the  
cause is continued.



Charles T. Tayler & wife et al, <sup>vs</sup> }  
against }  
M. D. L. Geary et al. vs } In ch  
This Cause came on this day  
to be heard upon the papers  
formerly read, and the report  
of John A. G. Hyatt filed March  
13<sup>th</sup>. 1890. And exceptions thereto  
by defendant.

and was argued by Counsel, on  
consideration of which and for  
reasons appearing to the Court  
said exceptions are overruled  
in so far as they are in con-  
sistent with the following decree  
And thereupon it is adjudged or-  
dered & decreed, that the deed of  
John R. Geary to M. D. L. Geary  
conveys to him all the right title  
and interest in & to the real estate  
& personal estate in any wise due  
the said John R. Geary and the said M. D.  
L. Geary has right & title thereto.  
But the Court is of opinion and  
so orders and decrees that, ~~that~~  
the, deeds of Barker & wife,  
Bailey & wife and after legacies



in said report mentioned does not  
convey the legacy, but that each of  
said legatees, are entitled thereto. But  
as the said legatees are also the owners  
of  $\frac{1}{8}$  of said realty out of which  
the same is to be paid, it is ad-  
judged ordered & decreed that such  
legatees as have conveyed their re-  
al estate are not entitled to enforce  
the same against the share of land  
so sold by them, and such share  
so sold by them is declared free from  
the same. <sup>pro rata share</sup> But the residue of the  
land owned by the heirs & vendees  
is declared liable for  $\frac{7}{8}$  of each  
unpaid legacy, and the lands with  
bill mentioned are adjudged to be  
bound & held liable therefor. And  
such of said legatees as have not  
so sold their real estate, are decreed  
to be entitled to the same, and said  
land held liable therefor, but as  $\frac{1}{8}$   
said land is owned by each heir  
such legatee is only entitled to  
recover from the others his co-  
heirs  $\frac{7}{8}$  of such legacy and the  
said lands so belonging to the  
other heirs is hereby adjudged to



liable to the payment thereof.  
It is therefore adjudged ordered  
and decreed that Charles J. Taylors  
wife, Rachael Tayler, is entitled to  
her legacy of \$200.00  $\frac{1}{8}$  of which is  
to be paid by herself, - That Eliz-  
abeth Barker is entitled to her  
legacy of \$200.00  $\frac{1}{8}$  of which is  
not entitled to enforce against said  
<sup>community property</sup> land but must account for herself.

That Margaret Tayler wife of Rubin  
Tayler, W. D. Geary, Mary E. Bailey  
wife of Robert Bailey, Henry J. Davis,  
Rachael M. Davis the heirs at-law  
of Henry M. Geary decd, the  
heirs of Malinda Covy decd  
viz: Noble, Charles D. Levey &  
Polly Bales wife of Wm Bales  
each, set of heirs are en-  
titled to said legacy as pro-  
vided for in others. And that  
Rosa Smith wife of Jonathan  
L. Smith is also entitled as to  
others herein above decd.

It further adjudged order-  
ed and decreed that unless  
these sums be paid within  
twenty days from the rising  
of this Court then that



who is  
hereby appointed a Special  
Commissioner for the purpose  
to sell <sup>so much of</sup> the land in the bill  
mentioned (which sale of the  
whole tract is by agreement of  
the parties) He will sell the  
same on some Court-day in  
front of the Court House down  
by public outcry to the highest  
bidder on a credit of 6,  
12, & 18 months, except so  
much as is necessary to pay  
the Cost of Rent & Sale which  
will be required to be paid  
in hand for the residue he will  
take bond bearing interest from  
day of sale made payable to  
himself with good personal  
security. But before proceeding  
to make sale he will execute  
before the Clerk of this Court, a  
bond with penalty of \$ , con-  
ditioned to duly perform the duties  
hereinbefore. He will then advertise  
the same for at least 20 days on the  
front door of the Court House in  
the neighborhood where the land lies  
setting out time, terms & place of  
sale. He will report his actions  
to this Court & the Cause is continued.



(2)

- it appearing that Amy M. Yelley  
& Melinda Little Kee are heirs  
that legacy to each of them is  
personally it is adjudged that  
the bill be amended so as to  
make said adms<sup>ns</sup> parties &  
that each of the devisees who  
hold or have conveyed the  
interest in said land be  
credited with  $\frac{1}{8}$  thereof as  
received by them respectively  
on said legacy & for each full  
 $\frac{1}{8}$  share of said realty as held by them  
& it is decreed that Com<sup>r</sup> Hyatt do  
renew his report as to conform  
to the views herein expressed  
showing what is due each  
& on what shares it is  
chargeable & Chas C Elliott  
Eliakim Woodward & A. P. Myers who  
are hereby appointed com<sup>rs</sup> whose  
duty it is to partition the land  
in the bill mentioned have due  
regard to water ways between &  
convenience opening to each  
his land adjoining any line  
may own if the same can  
be done without prejudice to  
other heirs till the coming on of  
which reports this cause is continued.







C. J. Taylor

vs

Sever

M. L. Yeary

Sept. 5<sup>th</sup> 1890

Centd Chay

O. N. page 296.

John Hyatt



C. J. Taylor & wife & als Defts  
against -

M. D. L. Quarry & als Defts.

} In ch.

By Consent of parties this cause is made  
a vacation Cause, and the decree ren-  
dered therein is to be as effective  
and binding as if rendered in term.  
And the Cause is continued.



Chas J Taylor & wife  
vs { Decree  
3

W. D. L. Geary et als

March 9, 1890

Entered Chancery  
O. B. 262,

Apr 2, 1890

J. A. H. Hyatt  
Clerk

Enter this order

H. S. K. M.

April 2nd 1890.



Charles T. Taylor <sup>wife et al</sup>  
Against  
M. D. L. Geary et al.

This cause  
Came on again this day to be  
heard upon the papers formerly  
read, and the report of John  
A. G. Hyatt Comr, filed in this  
Cause filed Nov. 15. 1889, to which  
there are no exceptions - and was  
argued by Counsel - On con-  
sideration of which and for  
reasons appearing to the Court  
it is adjudged ordered and  
decreed that said Comr -  
Hyatt, ascertain and report what  
legacies if any are due the  
testator or defendant, how  
much if any has been paid  
on either of said legacies, to  
whom the same is now due,  
what interest each of said  
parties has in said land,  
and whether or not sale will  
have to be made thereof to  
pay the same; whether or  
not the whole tract should  
be sold or can conveniently  
be partitioned, and whether or



not the peff Robert L. Bailey &  
wife or any of the other  
parties when they sold their  
interest in said land also  
sold their Legacy to M. D. L.  
Geary or retained the same.

He he will report any  
fact deemed pertinent by  
himself or required by either  
party to the next term of  
this Court & the cause is con-  
tinued.

Chas. J. Taylor  
attest

M. D. Geary

M. D. L. Geary

Dec. 9/1889

Entered Chas  
C. D. page 244

Dec. 9/1889  
J. A. S. Hyatt &

Enter this  
Dec. 5 1889  
W. A. N. M.



Charles Taylor & others Plffs  
against

In Chancery.

M. L. Yeary & others Defts

This cause came on to be heard upon the bill of the plaintiffs and exhibit therewith, and the answer of the defendant M. L. Yeary, <sup>and the exhibits therewith</sup> with general replication thereto, and was argued by counsel. And it appearing to the Court that process has been executed on the home defendants and order of publication made, posted, published and completed against the nonresident defendant the time required by law, and all of the defendants failing to appear, except, the said M. L. Yeary, the bill is taken for confessed against said defendants <sup>not</sup> failing to appear.

On consideration thereof it is adjudged, ordered and decreed that J. A. G. Hyatt, one of the Commissioners of this Court, do state and settle the account of R. D. Flannery admr. of the estate of Henry Yeary deceased, ~~and the account of Charles Taylor administrator of the estate of Rutha Yeary deceased, and also the account of said Charles Taylor & M. L. Yeary Committee for the said Rutha Yeary dead,~~ showing the amount in the hands of each, ~~Said account from said committee and from what source derived, whether~~



Chas Taylor & others  
vs { Decree No 1,  
M. G. Young et als.  
Entered Chcy  
C.B. 228.  
Hyatt C.

Enter this decree  
~~1888~~  
Sept 4 1889.

~~Personal statement of the~~  
~~real estate and personal property of the~~  
-port his action to the next term of this court  
-and the cause is continued.



Virginia

At a Circuit Court Continued  
and held for Lee County at the Court  
house thereof September 6<sup>th</sup> 1890.

C. J. Taylor & wife et al. Defts

vs  
M. D. L. Yeary et al. Defts

# # # # And C. C. Elliott  
E. S. Woodward and A. P. Hyatt  
are hereby appointed Commissioners  
whose duty it is to partition  
the land in the bill mentioned  
having due regard to water,  
ways, timber and conveniences,  
assigning to each his land  
adjoining any he may own  
if the same can be done with-  
out prejudice to other heirs,  
and until the coming in of  
said report, this cause is  
continued.

A Copy

Teste J. A. Hyatt c.



C. J. Taylor  
vs ~~copy of~~  
deed  
M. D. L. Yeary

Executed by  
delivering office  
copies of this deed  
to C. C. Elliott, Esq.  
Woodward and  
A. P. Myer -  
Novr. 6<sup>th</sup> 1890, this  
Novr. 8<sup>th</sup> 1890,

W. P. Sprinkle Deputy  
for A. B. Muesy, S. C.  
See Deed Book P. 369.  
On June 24<sup>th</sup> 1891



1 C. C. Blankenship personally  
2 appeared before me and made  
3 oath in due form, that Berij F.  
4 M<sup>o</sup>roe, defendant in the Chancery  
5 cause of Charles Layton et al vs  
6 M. D. L. F. Yeary et al, is a now  
7 resident of this State. July 2<sup>d</sup> 1889

8 J. A. Hyatt clerk  
9  
10  
11  
12



Charles Taylor

vs { Affidavit

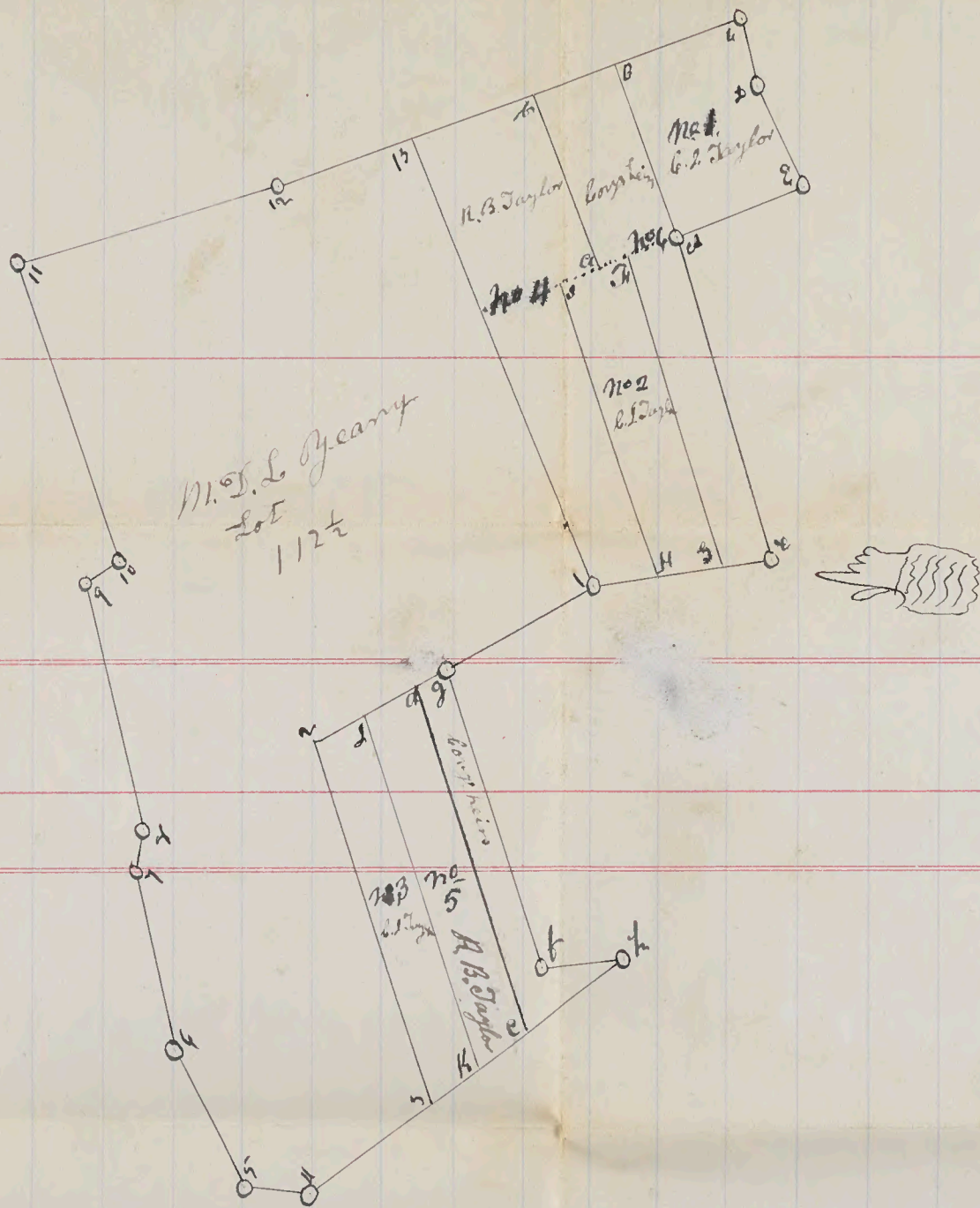
M. D. L. Yeary

Filed July 27/88

J. A. S. Hyatt  
cc



Meridian



Scale of 40 Poles To an Inch.

59 2  
20  
16  
40



Plat.

51  
25

50  
75  
125  
125  
250



Charles TAYLOR & others. Plaintiffs }  
against } In Chancery  
M. L. YEARY & others. Defendants }

To the Hon. H. S. E. Morrison  
Judge of the circuit court for Lee  
County Va.

Your undersigned  
Commissioner, having been  
appointed to State and settle  
the Account of R. D. Flannery  
Sheriff and Administrator of the  
estate of Henry Yeary deceased  
and thereby show what amount  
of personal estate is in said Flannery's  
hands belonging to said Estate

Respectfully reports  
that said Flannery as such  
Administrator has never  
received a cent, and was  
only formally, by the court  
recently appointed as such  
Admr. in order that this  
suit might be properly  
prosecuted.

Respectfully  
J. A. Hyatt Comr.



Chas. J. Taylor et al  
vs  $\frac{1}{3}$  Cours Report  
M. L. Ycanital

Filed Nov. 18<sup>th</sup> 1889  
J. A. Skye et al

Cours fee \$2.50



Commissioners Office  
March 12<sup>th</sup> 1890.

Chas. J. Taylor & wife et al

Defts

vs

M. D. L. Yeary et al

Defts

In Chancery

To the Hon. W. S. K. Harrison  
Judge of the Circuit Court for Lee County  
Virginia.

Your undersigned Commissioner  
Having been appointed by a decree entered  
in the above styled Cause December 6<sup>th</sup> 1889,  
and therein directed, to ascertain and report  
what legacies if any are due the Plaintiffs and  
defendants, how much if any has been paid  
on either of said Legacies, to whom the same  
is now due. What interest each of said  
parties has in said land, and whether  
or not sale will have to be made thereof  
to pay the same. Whether or not the  
whole tract should be sold, or can conveni-  
ently be partitioned, and whether or not,  
the Plaintiff Robert J. Bailey & wife, or any  
of the other parties when they sold their  
interest in said land also sold their Legacies  
to M. D. L. Yeary or retained the same. &c &c.

In obedience to the requirements  
of said Decree, I proceeded on the 11<sup>th</sup>  
day of February, 1890, at my office in the  
town of Jonesville Va in the presence of the  
most of the parties to this suit, they having  
been duly summoned to appear with such  
evidence as they desired to introduce, to imes-



1 tigate the matters referred to me.

2 As before stated the parties appeared  
3 and failed to offer any further evidence  
4 than the exhibits filed in this cause  
5 in support of their various claims,  
6 except the agreement herewith filed  
7 marked "X. Y."

8 It is shown by the will of Henry  
9 Yeary herein filed marked A, that  
10 it was executed on the 14<sup>th</sup> day of  
11 October 1851, and admitted to probate  
12 22<sup>nd</sup> February 1881, and it is agreed between  
13 the parties that he died January 1881,

14 It is therefore evident that he lived  
15 after making his will about 30 years,  
16 and that during these years, he failed  
17 to carry out the Sixth clause of his said  
18 will, which provides that his

19 "Children" Elizabeth M. Barker,<sup>2</sup> Malinda  
20 J. McKee,<sup>3</sup> Peggy J. Taylor, <sup>4</sup>Rachel M. Taylor,  
21 Wm. D. Yeary, Henry M. Yeary and <sup>7</sup>M. L. F.

22 Yeary receive each Two hundred dollars  
23 before John R. Yeary receive any further  
24 portion, as he had already received  
25 that amount # # #, but it was

26 agreed between the parties assembled, that  
27 he had made them all, and all his

28 children equal in the way of horses  
29 Cows, house hold goods &c. before he  
30 died. It is alleged in the Bill and

31 <sup>and admitted in the answer</sup> not denied, that Rutha Yeary the widow  
32 of said Henry Yeary, soon after the



1 the death of the said Henry, became demented  
2 and the management of her Estate given  
3 into the hands of a Committee regularly  
4 appointed by the County Court for Lee  
5 County, hence she was not competent  
6 nor could have been expected of her own  
7 will to carry out the request made  
8 in the last clause of section Sixth  
9 of said Will, which provided that  
10 during the life of Rutha or the widow  
11 of said Henry Yeary she should, if she  
12 could, conveniently do so, make up  
13 to any of his children the whole or  
14 any part thereof of the property or  
15 Legacies directed in his will, desiring  
16 that she do so as her ability and oppor-  
17 tunity may require.

18 As said Rutha soon after her husband's  
19 death became demented although she  
20 survived him about 8 years, her  
21 demented condition, in the opinion  
22 of your Commissioner, rendered her  
23 incapable of carrying out the request,  
24 and as it was a mere request, her  
25 Committee could not legally carry  
26 it out, and all Estate which came  
27 into their hands from the sale of  
28 her personal property or from the  
29 rents of the land which had been  
30 willed her by Henry Yeary during  
31 her life, could not be held in any  
32 other light than the separate Estate



1 of Rutha Geary, and properly distributable  
2 among her legal heirs or their assigns.

3 Your Commissioner cannot understand  
4 that in any <sup>way</sup> this estate should or could  
5 legally <sup>be</sup> paid out or on to the Legacies,  
6 of the 200\$ provided to be paid to the  
7 Seven heirs herein before mentioned.

8 And as Henry Geary nor Rutha  
9 Geary his wife during their lives  
10 paid the Two Hundred Dollar Legacies  
11 it follows as a consequence that said  
12 200\$ legacies yet remains to be paid  
13 to those entitled thereto.

14 It is shown by Settlement No. 1  
15 of the account of C. J. Layton et al as  
16 Committee of Rutha Geary herewith  
17 filed, that they received 50\$ on  
18 the 27<sup>th</sup> May 1882 from Alfred Loney  
19 the Administrator of Henry Geary,  
20 1/3 of which was justly due Rutha Geary  
21 as the widow of Henry Geary, the other  
22 2/3 or 33 1/3\$ was properly the Estate of  
23 said Henry, and very properly might  
24 have been paid on the 200\$ Legacies  
25 and should the same be required, by  
26 a further statement of said Committee  
27 account it is shown that there  
28 is on the 1<sup>st</sup> May 1890, \$97.96 in  
29 his hands undischarged, out of which  
30 this amount and its interest might  
31 be taken.

32 Should Rutha Geary's Estate be held



5- and confirmed to be a separate Estate  
from Henry Yearys - and the disburse-  
ments made by her Committee to  
her heirs as well as the heirs of Henry  
Yeary as shown by his settlement  
No. 1, and that such payments by  
him are not payments on the legacies,  
it can readily and conveniently be  
shown by a short statement of  
said account to whom the bal-  
ance in his hands should be  
paid. The rents for the year 1889,  
being 50¢ due January 1<sup>st</sup> 1890, is  
also possibly Estate belonging to the  
Estate of Henry Yeary, as Rutha's  
Charge against said Estate ended  
with her death on the 20<sup>th</sup> March  
1889, but her Committee's contract  
for the renting had been made  
previous thereto.

It is further shown <sup>by said Settlement No. 1</sup> that  
the legal heirs of Rutha Yeary except  
John R. Yeary have each been  
paid \$45.36, and if these payments  
are not held as payments on the  
legacies, nothing remains but to  
pay out of the fund now in Committee's  
~~his~~ hands to said J. R. Yeary \$45.36  
which would make all <sup>her</sup> heirs equal  
leaving \$52.60 to yet disposed off.

The question as to whom the legacies  
are now due, has given your Commis-  
sioner no little trouble, however not



1 So as to those owned by Rubin Taylors  
2 wife, Chas. J. Taylors wife, and the Leovey  
3 heirs - Said Taylors each having  
4 the legacy of 200\$ due them and  $\frac{1}{8}$  the  
5 real estate subject to the charge of the  
6 legacies thereon, and Talley Bales, Charles  
7 D. and Noble Leovey 150\$ on the legacy  
8 bequeathed their Mother and  $\frac{3}{4}$  of  $\frac{1}{8}$  or  $\frac{3}{32}$   
9 of the real Estate subject to the charge  
10 of the Legacies, these parties not having  
11 traded or in any part with their  
12 interests in the Estate of said Henry  
13 Yeary dead;

14 M. D. L. Yeary owns in his own right  
15 as heir and legatee a 200\$ charge against  
16 said Real Estate, and  $\frac{1}{8}$  interest in the  
17 remaining portion, and by deed No. 4  
18 with his answer, it is shown that  
19 Robert J. Bailey wife and Henry J. Davis  
20 wife the only heirs at law of Henry  
21 M. Yeary dead, conveyed to one Jonathan  
22 L. Smith by deed bearing date on the  
23 2<sup>d</sup> day of July 1881, all their undivided  
24 right title and interest in and to  
25 the real estate lately belonging to  
26 Henry Yeary deceased, in consideration  
27 of the sum of Two Hundred Dollars  
28 to them paid and secured to be paid,  
29 Said Jonathan L. Smith some time after-  
30 wards died leaving a widow Rosa B.  
31 Smith, who became heir to a dower interest  
32 of one third of this  $\frac{1}{8}$  interest, and who



1 also owned  $\frac{1}{4}$  of  $\frac{1}{8}$  of said land on account  
2 of her being a daughter of Malinda Yeary  
3 who intermarried first with one McKee  
4 and had as the issue of such marriage this  
5 Rosa B. and who secondly intermarried  
6 with one Covey and had the three  
7 Covey heirs heretofore referred to,

8 As is shown by the deed of said  
9 Rosa B. Smith herewith filed marked  
10 "A.B.", she conveys all her undivided  
11 interests in said land to said M. D. L.  
12 Yeary, and as shown by deed herewith  
13 filed marked (J.M.M.) Comr. John M.  
14 Morgan Conveys in obedience to a  
15 decree of your Honors Court in the  
16 Chancery Cause of George W. Smith Executor  
17 vs Napoleon B. Smith et al, to said M. D.  
18 L. Yeary, the undivided interest in said  
19 real Estate, belonging to the minor heirs  
20 of said Jonathan L. Smith, which last  
21 deeds undoubtedly pass to said M. D. L.  
22 Yeary, the interest in said Real Estate  
23 deeded by Bailey & wife and Davis and  
24 wife to Jonathan L. Smith, and also the  
25  $\frac{1}{4}$  of  $\frac{1}{8}$  interest owned by said Rosa B.  
26 Smith including her dower interest  
27 in the  $\frac{1}{8}$  interest purchased from  
28 the heirs of Henry M. Yeary dead.

29 But whether or not this deed  
30 in conveying the undivided interest  
31 in said Real Estate thereby passes  
32 the claim as to the legacy of 200¢



1 which turns out to be a charge on  
2 said Real Estate is the point your  
3 Commissioner is troubled over.  
4 No evidence is offered by either party  
5 except the deeds, the vendors claim  
6 they did not intend to convey  
7 their rights to the Legacy, while  
8 the vendor claims it embraced  
9 all their undivided interest which  
10 embraced their charge of legacy against  
11 said land, the price in this deed  
12 agreed to be paid was only 200¢  
13 just the amount of the Legacy, but  
14 it was agreed to be paid at a time  
15 that the real estate was occupied  
16 by Rutha Geary, which accounts  
17 to some extent for the low price  
18 agreed to be paid, if the same in-  
19 cluded the Legacy Charge -

20 The conclusions as to whether  
21 this deed in passing the undivided  
22 interest in and to said Land, passed  
23 also the charge against said land  
24 as to the legacy, are deferred, for  
25 the present.

26 By deed No. 2 herewith filed it is  
27 seen that Wm. D. Geary, <sup>wife</sup> Conveys  
28 to Marquis L. Geary all their right title  
29 and interest in the real estate of  
30 the late Henry D. Geary dead, # # #  
31 which they acquire by his last will  
32 & testament or otherwise, whether such



9 interest is present or future, absolute or  
contingent.

By Deed No. 1, herewith filed it  
is observed that B. W. Barker & wife  
Elizabeth Barker nee Yeary, execute  
a like deed, as that made by Wm.  
D. Yeary & wife.

And John R. Yeary a like deed  
except that he also passes all his  
personal as well as real Estate  
to said W. D. & L. Yeary. See deed  
marked "3".

None of these deeds mention the  
transfer of the charge against the  
real estate of the legacies, by the  
grantors to the grantee, but the  
deeds Nos 1 + 2, that of Wm. D. Yeary  
& wife and B. W. Barker & wife  
convey any and all interest they  
have in and to said real Estate  
which they acquired by the  
last will and Testament of  
the said Henry Yeary or otherwise  
whether such interest was present or  
future absolute or contingent, which  
deeds seem, in the opinion of your  
Carr. to pass any and all claims  
they had or held against said  
real Estate, including their  
charge against the same on account  
of the Legacy bequeathed them.  
Deed No 3 from John R. Yeary & wife



1 has no reference to the legacy, but  
2 passess all undivided interest in the  
3 land as well as property which  
4 descended to him from the estate  
5 of Henry Geary decd, to M. D. L. Geary.  
6 These last three deeds being, so  
7 full and expressive as to the undivided  
8 interest in said real Estate held by  
9 said grantors; obtained by will or  
10 otherwise, whether present or future  
11 absolute or contingent, regularly made  
12 and acknowledged before proper  
13 authority, as before stated in the opin-  
14 ion of your Commissioners, passes to  
15 M. D. L. Geary the grantee, all claim  
16 they had against said land in every  
17 way, but should it be held by your  
18 Honor that the Legacy claim of these  
19 grantors under the will, was of a  
20 personal nature, it would of course  
21 change this view of the case, but it  
22 was well understood at the time  
23 these last deeds were executed that  
24 the Legacies were a charge on said  
25 real Estate and to such an extent  
26 certainly constituted an interest  
27 therein.

28 But as to the deed made by Robert  
29 J. Bailey & wife and Davis & wife to Smith  
30 and from Smiths widow & heirs to said  
31 M. D. L. Geary, it will be observed that  
32 said deeds only convey their undivided



1 interest in the real estate of the  
2 said Henry Yeary without any  
3 qualification whatever, without  
4 stating, as the other deeds do, that  
5 all their undivided interest obtained  
6 by the Will of Henry Yeary or otherwise  
7 was conveyed, hence the conclusions  
8 of your Commissioner are that those  
9 heirs and Rosa B. Smith are entitled  
10 to their charge of the legacy bequeathed  
11 <sup>on their ancestors</sup> against said real Estate.

12 And the final conclusions  
13 of your Commissioner are that  
14 M. D. L. Yeary in his own right has a

15 Legacy charge against said Est of \$200.00  
16 And has on account of his purchase from B. W.

17 Barker & wife a like charge of --- 200.00  
18 And has on account of his purchase from

19 Wm. D. Yeary & wife a like charge of 200.00

20 Total Legacy Charge \$600.00

21 Charles J. Taylor & wife have a

22 charge against said real Estate

23 on account of the Legacy of \$200.00

24 Rubin Taylor & wife have

25 a like charge against said

26 real Estate of --- \$200.00

27 Robert J. Bailey & wife and Henry

28 J. Davis & wife heirs at law of Henry

29 M. Yeary have a like charge

30 on said real Estate of --- \$200.00

31 Rosa B. Smith as heir of Malinda

32 a  $\frac{1}{4}$  interest in the 200\$ legacy against

Said real Estate amounting to --- \$50.00



1 Charles D. Covey  $\frac{1}{4}$  interest in said  
 2 200\$ legacy against said real Est. -- \$50.00  
 3 Henry M. Covey a like  $\frac{1}{4}$   
 4 interest in said legacy  
 5 against said land -- \$50.00  
 6 And Mary E. Bales wife  
 7 of Wm. Bales has a like interest \$50.00

9 And after these claims are satisfied  
 10 out of said Real Estate, then of the  
 11 remainder M. D. L. Yeary has in his  
 12 own right  $\frac{1}{8}$ , by purchase from John R. Yeary  
 13  $\frac{1}{8}$ , by purchase from B. W. Barker & wife  
 14  $\frac{1}{8}$ , by purchase from W. D. Yeary & wife  $\frac{1}{8}$ ,  
 15 by purchase from J. L. Smith's heirs  $\frac{1}{8}$ ,  
 16 and by purchase from Rosa B. Smith  
 17  $\frac{1}{4}$  of  $\frac{1}{8} = \frac{1}{32}$ . aggregating this  
 18 amount  $\frac{1}{8} + \frac{1}{8} + \frac{1}{8} + \frac{1}{8} + \frac{1}{8} = \frac{5}{8} = \frac{20}{32} + \frac{1}{32} = \frac{21}{32}$ .

20 Chas J. TAYLOR & wife . . . . .  $\frac{1}{8}$   
 21 Rubin TAYLOR & wife . . . . .  $\frac{1}{8}$   
 22 Charles D. Covey  $\frac{1}{4}$  of  $\frac{1}{8} =$  . . . . .  $\frac{1}{32}$   
 23 Henry M. Covey  $\frac{1}{4}$  of  $\frac{1}{8} =$  . . . . .  $\frac{1}{32}$   
 24 Mary E. Bales  $\frac{1}{4}$  of  $\frac{1}{8} =$  . . . . .  $\frac{1}{32}$   
 25 Proof

26  $\frac{21}{32} + \frac{4}{32} + \frac{4}{32} + \frac{1}{32} + \frac{1}{32} + \frac{1}{32} = \frac{32}{32}$

28 It is agreed by the parties  
 29 that partition can be conveniently  
 30 made of said lands, which,  
 31 should all the views herein be  
 32 confirmed, would give to M. D.



- 13 1 L. Geary 600\$ worth in value, and  
2 after the other charges on account of  
3 the Legacy claims herein after given,  
4  $\frac{21}{32}$  parts of the remaining portion of  
5 the said Real Estate;
- 2 6 To Elias J. TAYLOR & wife 200\$ worth in  
7 value and  $\frac{1}{8}$  of the remainder after  
8 satisfying all the Legacy claims
- 3 9 To Rubin TAYLOR & wife a like interest  
10 of 200\$ worth and  $\frac{1}{8}$  of the remainder
- 4 11 To Charles D. Leovey 50\$ worth and  $\frac{1}{32}$   
12 parts of the remainder.
- 5 13 To Henry M. Leovey 50\$ worth and  
14  $\frac{1}{32}$  part of the remainder.
- 6 15 To Mary E. Bales wife of Wm. Bales 50\$ worth  
16 and  $\frac{1}{32}$  parts of the remainder.
- 7 17 To Rosa B. Smith a charge of 50\$  
18 against said Real Estate.
- 8 19 To Robert J. Bailey & wife a charge  
20 of 100\$ worth
- 9 21 To Henry J. Davis & wife a like 100\$  
22 worth, Some difficulty may  
23 arise as to laying off to these last  
24 three parties, the amounts seemingly  
25 going to or due them in lands,  
26 and it occurs to your Commission  
27 that it would probably be  
28 best to sell a sufficiency of said  
29 land to satisfy these claims  
30 should they be determined to be  
31 just and properly payable, to the  
32 parties mentioned.



1 And now having as fully performed  
2 the duties assigned me, as best I  
3 could from the evidence before me,  
4 the same is respectfully submitted  
5 to your Honor's Supervision and  
6 if in any way mistaken in my  
7 views, I am honestly so.

8 Respectfully

9 J. A. Hyatt

10 Cour



1890 Apr 2<sup>d</sup>

The within report is excepted to because the Commissioner does not report on the matters referred to him but only states Counsel's views & approves of them:

2. Because he reports the arguments of Counsel on matters expressly stricken out of the first decree in this case as not germane.

3. Because, he does not as required by decree of Dec 5-1889, whether or not sale will have to be made of the land to pay said legacy, whether or not the whole tract or only a part should be sold, and whether or not p<sup>l</sup>ff Robert L. Bailey & wife conveyed their legacy by their deed to the land.



Could be 258

Filed March 13/1890.  
D. S. H. Stapp &c

M. D. L. Yeary et al

Course Report

Wm. D. L. Yeary et al

This report is excepted to, to the extent  
that the Court treats the fund in the  
hands of the Widows Committee as her  
separate estate, and allowing it to go to  
her heirs, when in fact under the will  
it should have been applied to the  
payment of legacies.

Wm. D. L. Yeary et al

for M. D. L. Yeary.

This Report is further excepted to <sup>in</sup> so far  
as the Court reports in favor of a charge <sup>of the legacies</sup>  
~~the Legacies of M. D. L. Yeary~~ upon the  
lands sold to M. D. L. Yeary or ~~and~~  
for such legacies.

Wm. D. L. Yeary et al



Commissioners office  
March 15<sup>th</sup> 1890.

Chas J. Taylor et al

Defts

vs

3 Du Chay.

M. L. Yeary et al

Defts 3

To the Hon. H. S. K. Morrison  
Judge of the circuit court for Lu. Co. Va.

Your undersigned Court  
in this Cause having heretofore on  
the 13<sup>th</sup> inst filed a report of his  
action and performance of the  
duties assigned him by decree of  
Decr. 5<sup>th</sup> 1889. And having been  
solicited by James W. Orr Atty for  
M. L. Yeary, as shown by his brief  
herewith filed marked "Q", to make  
and file some special statements  
presenting to your Honor, their  
view or views of the matters in  
controversy, and as will be seen  
I have made and file herewith  
Special Statement No. 1, in which  
I show that the full amount from  
all sources in Rutha Yeary's Committee  
hands for distribution and disbursed  
is \$415.48, and out of this fund M. L.  
Yeary is <sup>in</sup> his own right entitled to  
\$59.35, and in right of his purchase  
from Mrs Barker he is due a like  
sum of \$59.35, on account of his  
purchase from Wm. D. Yeary, a like sum  
of \$59.35, on account of his purchases  
from the Smiths a like sum of \$59.35.



1 and on account of his purchase from  
2 Rosa B. Smith he is entitled to \$14.84  
3 aggregating the sum of \$252.24 which  
4 should have been paid him on the  
5 Legacies due him from purchase, out  
6 of the fund which came to the Committee's  
7 hands all of which arose from the  
8 Real estate of Henry Yeary decd, and  
9 these amounts or amount should be  
10 credited on the Legacies due him, accor-  
11 ding to his view thereof, leaving \$577.76 yet  
12 due him on the Legacies, besides his  $\frac{21}{32}$   
13 interest in the balance of the real Estate  
14 after payment of all the Legacies.

15 And that E. J. Taylor & wife are due  
16 on their legacy \$140.65, after applying  
17 the \$59.35. Their part of the fund in  
18 Committee's hands, to Rubin Taylor  
19 & wife a like amount of \$140.65 the  
20 three Levey heirs each \$35.16,

21 This claim is asserted upon the  
22 bases, that Rutha Yeary had no in-  
23 dividual estate and that the entire  
24 amount which went into her Committee's  
25 hands arose from the real Estate of  
26 Henry Yeary, and was properly payable  
27 on the legacies mentioned in the  
28 will, and that by the deeds execu-  
29 ted to him he obtained all the  
30 grantors interest in the said real  
31 Estate and passed all their claim  
32 as to any legacy on the same;



By Special Statement N<sup>o</sup> 2

It is shown that the amount of Estate from rents of land and the 50¢ received from Henry Yeary's Adm<sup>r</sup> subject to necessary charges of Administration Taxes &c &c, amounted to the sum of \$317.58 up to the time of the conveyances of Mrs. Barker and Wm. D. Yeary, and up to this time allowing them to be paid 1/2 thereof, there was yet due them each \$144.64, <sup>on their legacies</sup> which they by their deeds pass to M. L. Yeary, and that up to the time Rosa B. Smith conveyed, the fund was \$353.61, the amt. Legacy due her was 50¢ after paying her her portion of this fund \$12.63, there would still be due her on the Legacy \$37.37, which interest by her deed she passed to M. L. Yeary. From this Standpoint M. L. Yeary would have a claim of \$726.65 on account of the Legacies against said Land, aside from his  $\frac{2\frac{1}{2}}{32}$  interest, in said land,

Chas J. Taylor & wife	200¢ + $\frac{1}{8}$ interest
Rubin Taylor & wife	200¢ + $\frac{1}{8}$ "
The three Convey heirs	150 + $\frac{3}{4}$ of $\frac{1}{8}$ "

This statement is made upon the bases, that the fund in Committee hands up to the time of purchase was properly payable to the grantors on their claim of Legacies.



1 and that the sale of Bailey + wife and  
2 Davis + wife was made and passed  
3 their full interest in every way to said  
4 Real estate including their claims  
5 as to the Legacy, <sup>before the rents began to accrue.</sup> resulting in  
6 showing that the bal on the legacies  
7 to be first satisfied as set forth is \$1276.65;

8 And having made these two  
9 Special Statements Nos. 1 + 2, to  
10 meet the views of the Defendant  
11 M. L. Yeary - I consider it just  
12 and proper that I make and  
13 file a statement which presents  
14 the view of the Plaintiffs attorney  
15 as your Commissioner understands  
16 it, so that the Court can have  
17 an opportunity without further  
18 investigation by Commissioners  
19 to pass on the various points  
20 in this complicated matter

21 And such statement is herewith  
22 filed marked No. 4. as will  
23 be observed it is therein shown  
24 that the Legacy Charge is \$1400.00  
25 and that the net amount of  
26 personal estate of Henry Yeary  
27 in Rutha Yeary's Committee's hands  
28 is 70¢ this embraces the 50¢ turned  
29 over to said Committee by Henry  
30 Yeary's Admr. and the amount  
31 of rents arising from the land  
32 since the death of said Rutha  
subject to the charge of Taxes &c &c



1 Leaving \$1330.00 of said legacies  
2 unpaid, which constitutes the  
3 first charge against said real  
4 Estate, and should be first settled  
5 in the following manner, viz.

6 To M. L. Yeary legatee after paying  
7 him 10¢ out of the personal fund  
8 on the legacy, the sum of \$190.00

9 To Mrs Barker a like sum of 190.00

10 " Chas J. Taylor wife " " 190.00

11 " Rubin Taylor wife " " 190.00

12 " Wm D. Yeary wife " " 190.00

13 " Robt J. Bailey wife " " 95.00

14 " Henry M. Davis wife " " 95.00

15 " Rosa B. Smith " " 47.50

16 " Chas D. Covey " " 47.50

17 " Henry M. Covey " " 47.50

18 " Mary E. Bales " " 47.50

19 After these amounts are  
20 satisfied, then the parties will  
21 own in the remainder of the  
22 land the interest set out in  
23 report herein filed March 13<sup>th</sup> 1890,  
24 to wit: M. L. Yeary  $\frac{21}{32}$  "  
25 Ch. J. Taylor wife  $\frac{1}{8}$   
26 Rubin Taylor wife  $\frac{1}{8}$   
27 The three Covey heirs each  $\frac{1}{32}$

28 This statement is made  
29 upon the bases, that all the Estate  
30 which came into the hands of the  
31 Committee of Rutha Yeary  
32 except the 70¢ mentioned as  
Henry Yeary's Estate.



1 was Rutha Yearys separate Estate  
2 and properly payable to her dis-  
3 tributees, and not on the legacies,  
4 and that the deeds of Bailey & wife  
5 Davis & wife, Barker & wife, and Wm.  
6 J. Yeary, and Rosa B. Smith, only passed  
7 their undivided interest in the real  
8 Estate, without any reference to the  
9 legacies what ever, which is a personal  
10 charge against said Estate, and properly  
11 payable by the Administrator with the  
12 will annexed of Henry Yeary decd,  
13 to the Legacies.

14 Now this is Your Honor can  
15 readily decide.

16 All of which is respectfully  
17 submitted. J. A. G. Hyatt  
18  
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32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1  
Oscar J. Taylor et al

vs  
Supplemental  
Report

M. L. Yeary et al

Filed March 15<sup>th</sup> 1890.

J. A. Hyatt

Fee for this Report 5¢



# Special Statement No. 1

1			
2			
3	To this <sup>Sum</sup> received by committee less expenses & debts		\$415.48
4	Of this sum M. L. Yeary claims in his own right on Legacy	59.35	
5	" " " He " by purchase from <sup>heirs</sup> Smiths	59.35	
6	" " " " " " " " Baker's wife	59.35	
7	" " " " " " " " Wm D. Yeary	59.35	
8	" " " " " " " " Asa B. Smith	14.84	252.24
9	Leaving to Chas J. Taylor wife on Legacy	59.35	\$163.24
10	" " Rubin Taylor wife " "	59.35	
11	" " Chas D. Covey " "	14.84	
12	" " Henry M. Covey " "	14.84	
13	" " Mary E. Baker " "	14.86	\$163.24
14			
15	Total due M. L. Yeary from his view on Legacies		\$850.00
16	By this above shown due him from Court,		252.24
17	<u>Balance due him on Legacies</u>		<u>\$597.76</u>
18	Amount Legacy going to C. J. Taylor wife		200.00
19	By " their part in Committee's hands		59.35
20	<u>Balance yet due them on Legacy</u>		<u>\$140.65</u>
21	To Aunt Legacy going to Rubin Taylor wife		\$200.00
22	By " their part recd by Court		59.35
23	<u>Balance yet due them on Legacy</u>		<u>\$140.65</u>
24	To Aunt Legacy going to Chas. D. Covey		\$50.00
25	By " his part recd by Court,		14.84
26	<u>Balance due him on Legacy</u>		<u>\$35.16</u>
27	To Aunt Legacy due Henry M. Covey		\$50.00
28	By " his part recd by Court,		14.84
29	<u>Balance due him on Legacy</u>		<u>\$35.16</u>
30	To Aunt, Legacy due Mary E. Baker		\$50.00
31	By " her part recd by Court,		14.86
32	<u>Balance due her on Legacy</u>		<u>\$35.14</u>



Special State -  
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# Special Statement No 2

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2			
3	This sum recd by committed from Henry Yeary's Adm.		
4	and from rents of land up to Jan'y 1 <sup>st</sup> 1888		\$317.58
5			
6	Of this sum Mrs Barker was entitled to $\frac{1}{7}$ =		\$45.36
7	" " " Wm. D. Yeary " " " =		45.36
8			
9	To Amount of Legacy due Mrs. Barker		200.00
10	By this sum rents &c to time of Sale to M. L. Yeary		45.36
11	Bal of Legacy under purchase due M. L. Yeary		\$144.64
12			
13	To amt Legacy due Wm. D. Yeary		200.00
14	By this sum rents &c to time of sale to M. L. Yeary		45.36
15	Bal of Legacy under purchase due M. L. Yeary		\$144.64
16			
17	Of this sum, Rosa B Smith was entitled to $\frac{1}{4}$ =		50.00
18	By this sum rents &c due her to March 1889, $\frac{1}{4}$ of $\frac{1}{7}$ =		12.63
19	Bal of Legacy due M. L. Yeary under purchase...		\$37.37
20			
21	From this vine, amt due M. L. Yeary on		
22	Legacy in his own right		\$200.00
23	Due on " by purchase from Barkers wife		144.64
24	" " " " " " Wm. D. Yeary		144.64
25	" " " " " " H. M. Yeary's heirs		200.00
26	" " " " " " Rosa B. Smith		37.37
27	aggregate due M. L. Yeary -		\$726.65
28			
29	Leas. J. Taylor wife		200.00
30	Rubin Taylor wife		200.00
31	Leaving heirs		150.00
32	Total Legacies unpaid		\$1276.65







# Special Statement No.

1	To this sum amount Legacies directed by Will	\$1400.00
2	By this sum net amount of Henry Yeary's Estate	
3	in Rutha Yeary Combs' hands payable on Legacies	70.00
4	Leaving this bal due on Legacies	\$1330.00
5	By this sum going to M. D. L. Yeary	\$190.00
6	" " " " " Mrs Barker	190.00
7	" " " " " C. J. Taylors wife	190.00
8	" " " " " Rubin Taylors wife	190.00
9	" " " " " Mrs D. Yeary	190.00
10	" " " " " Robert J. Bards wife	95.00
11	" " " " " St. M. Davis wife	95.00
12	" " " " " Rosa B. Smith	47.50
13	" " " " " Chas D. Covey	47.50
14	" " " " " Henry M. Covey	47.50
15	" " " " " Mary E. Bales	47.50
16		\$1330.00

17	Interest in bal real Estate	
18	M. D. L. Yeary	$\frac{21}{32}$
19	C. J. Taylors wife	$\frac{1}{8}$
20	Rubin Taylors wife	$\frac{1}{8}$
21	The three Covey heirs Each $\frac{3}{4}$ of $\frac{1}{8}$ =	$\frac{3}{32}$
22		
23		
24		
25		
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30		
31		
32		



Special Statement  
entry No. 4.



C. J. Taylor wife

vs  
M. D. L. Yeary et al

Statement to meet the view  
expressed in decree entered in  
the above styled Cause Sept 5<sup>th</sup>  
1890

This sum amt Legacy due 7 heirs	\$ 1400.00	
" " paid them by Committee	70.00	
Leaving this sum to come from the Land	1330.00	
By this sum assigned C. J. Taylor in Land	190.00	
" " " " R. B. Taylor wife "	190.00	
" " " " The Covey heirs "	142.50	
" " " " L. M. Yeary "	190.00	712.50
By this sum $\frac{1}{8}$ 190\$ Mrs. Barkers Legacy	23.75	\$617.50
" " " " Wm. D. Yearys "	23.75	
" " " " \$47.50 Rosa B. Smith "	5.93 $\frac{3}{4}$	
" " " " 95\$ Bailey wife's "	11.87 $\frac{1}{2}$	
" " " " 95\$ Davis wife "	11.87 $\frac{1}{2}$	77.18 $\frac{3}{4}$
<b>Total</b> Due from L. M. Yeary on account of Land assigned him - - -		\$540.31 $\frac{1}{4}$
This sum due Mrs Barker	\$166.25	
" " " Wm. D. Yeary	166.25	
" " " Robt J. Bailey wife	83.12 $\frac{1}{2}$	
" " " Henry J. Davis wife	83.12 $\frac{1}{2}$	
" " " Rosa B. Smith	41.56 $\frac{3}{4}$	\$540.31 $\frac{1}{4}$



Statement

"L"



Charles J. Taylor Committee for  
Rutha Yeary and Admin of the Estate  
of said Rutha Yeary deced.

To the Creditors of distributees of said  
Rutha Yeary Dr.

1889	To this sum Recd rents for year 1888	50.00	
Jan 1	By " " paid Taxes for year 1888	\$12.61	
	By 10% Com on \$12.61 disbursed	1.26	
	By this sum in committee hands	36.13	\$50.00
1890	To this sum unaccounted for last year	36.13	
Jan 1	" " " Out, thereon for year	\$2.16	
	" " " Received Rents for 1889,	50.00	
	" " " Total Estate January 1 <sup>st</sup> 1890	\$86.13	
	By this sum paid Land Tax for 1889	11.60	
	" " " " property " " "	69	
	By 10% on \$12.29 disbursed	1.22	
	By this sum unaccounted for last year	\$72.62	\$86.13
1890	To this sum unaccounted for Jan 1 <sup>st</sup> 1890	\$72.62	
May 1 <sup>st</sup>	" " " Out, thereon to May 1 <sup>st</sup> 1890	1.45	
	" " " Interest brought down	2.16	
	" " " Total in hands of Committee	\$76.23	
	" " " amt Sale Bill A. due Apr. 20 <sup>th</sup> 1890	58.21	
	" " " Total Est May 1 <sup>st</sup> 1890.	\$134.44	
	By this sum 10% Com on bal Estate	13.44	
	" " " paid W. Gibson Clerk	2.04	
	" " " " W. S. Brownell on Office	8.00	
	" " " " E. M. Russell appr.	1.00	
	" " " " C. N. Levey acct,	1.00	
	" " " " C. C. Blackwelder Copying Sale	1.00	
	" " " " B. M. Morgan burial clothes	2.50	28.98
	Amount forwarded.	\$105.46	



1890

May 1st	To this sum brought over	\$105.46
10	By this sum paid for this settlement	\$2.50
4	" " " to be paid for <sup>&amp; recording</sup> final settlement	5.00 7.50
5	To this sum for distribution May 1st 1890 - -	\$97.96
6	" " " heretofore disbursed See Settlement No. 1.	317.52
7	Total distributed & to be distributed, both lists - -	\$425.48
8	By this sum Henry's Geary's personal Est	50.00
9	Total net Est, Rutha Geary -	\$365.48

Charles Taylor Cont  
 and Hmn. of Rutha  
 Geary.  
 Statement showing  
 which carry. A  
 the amount to be  
 disburse and  
 paid for distribution  
 as of May 1st 1890.



Vouchers  
from one  
to 9 & 9  
inclusive

All Available Text Successfully Captured



Prudence



Received of Charles J. Taylor  
Committee of Rutha Yeary  
Forty five Dollars and  
thirty six cents in full of my  
distributive share in the said  
Rutha Yearys sepearate Estate  
this Nov. 1<sup>st</sup> 1890.

John B. Yeary.



(1)



Received of Charles F Taylor Adams and  
Committee of the Estate of Ruthy Jeary  
deceased Ten dollars on account of rents  
and Money which went into his hands as the  
Estate of Henry Jeary deed which is to stand  
as a credit on the Legacy of \$200 devised me  
by the last Will and Testament of said  
Henry Jeary deceased Nov 1<sup>st</sup> 1890

R B Taylor Margaret S Taylor



R. B. Taylor  
wife  
\$10.00

2



Received of Charles F Taylor Adams and  
Committee of the estate of Rutha yeary  
deceased Ten Dollars on account of rents  
and Money which went into his hands as the  
estate of Henry yeary dead which is to stand  
as a credit on the Legacy of \$200 devised me  
by the last Will and testament of said  
Henry yeary deceased November 1 day 1890  
M. L. yeary



M. L. Yeung  
\$10.00

(3)



1889 Pruthy Mary - cont-  
to W.S. Crowell

March 14 To coffin for Ruth Gray

10.00

May 7 or by cash by C.J. Gray

8.00

May 10 Bal due

8.00

Recd. the above a/c in full  
from date from C.J. Taylor Ads-  
Pruthy Mary cont- W.S. Crowell  
Jan 11 1889



Prithy young  
apc  
W. S. Crowe



Received of C. J. Taylor admr of the  
estate of Henry Yeary twenty dollars  
part of my fee, in the suit against said  
Yeary heirs being the party of Mrs Barker  
ad am Yeary ten dollars each. Dec. 29. 1890

A. L. Pendergast



Wm. D. Geary  
& Elizabeth  
Barker  
\$10.<sup>00</sup> Each

(4)



Received of Charles E Taylor adms and  
Committee of the Estate of Ruthy yeary  
deceased Five dollars on account of rents  
and Money Which went in to his hands as the  
Estate of Henry yeary deed which is to stand  
as a credit on the Legacy of \$200 devised me  
by the last Will and Testament of said  
Henry yeary deceased this 1 day of November 1890

Robert J Bailey      Mary E Bailey



R. J. Bailey  
Wife  
\$5.00

(57)



Reseived of Charley P Taylor adms and  
Com mittie of the Estate of Ruthey yeary  
deceased Fivte dollars on account of rents  
and Money Which went in to his hands as the  
Estate of Henry yeary dead which is to stand  
as a credit on the Sagasey of \$ 200 devised me  
by the last Will and Testiment of said  
Henry yeary des cist Novr 1 day 1890.

Henry J Davis

Rachel

Davis



H. J. Davisthain  
\$5.00

6



Resident of Charles F Taylor and  
Committee of the Estate of Ruthy Jeary  
deceased Three <sup>dollars</sup> seventy five <sup>cents</sup> on account of rents  
and Money Which went in to his hands as the  
Estate of Henry Jeary dead which is to stand  
as a Credit on the Legacy of \$200 devised me  
by the last Will and Testament of said  
Henry Jeary deceased Novem 1 day

1890

Charles F Leroy



C. D. Carney  
\$3.75-

(7)



Received of Charles L. Taylor, adm<sup>r</sup> and  
Committee of the Estate of Ruthy yeary  
deceased Three dollars and seventy five cents on  
account of rents and Money Which went  
in to his hands as the Estate of  
Henry yeary deed which is to stand  
as a credit on the Legacy of \$200 devised me  
by the last Will and testament of said  
Henry yeary decess<sup>d</sup> Northern 1 day 1890

Henry M. Coary



J. N. Loney

3.75

8



Received of Charles T Taylor Adams and  
committee of the Estate of Ruthy Henry  
deceased \$2.50 two dollars and fifty cents on account  
of rents and Money which went in to his hands as the  
Estate of Henry Henry deed which is to stand  
as a credit on the Legacy of \$200 devised  
me by the last Will and Testament of  
said Henry Henry deceased.

November 1 day 1890

Rosey B Smith



R. B. Smith  
\$2.50

(9)



C. J. Taylor & Wife et al. Defts.  
 Against  
 M. D. L. Yeary et al. Defts. } In Chancery

To the Honorable H. S. K. Moirson Judge of the  
 Circuit of Lee Co. Va. in pursuance of an Order  
 from your Honor Court dated Sept. 5<sup>th</sup> 1890  
 to partition the land of Henry ~~de~~ Yeary, doct. We  
 your commissioners proceeded on the 10<sup>th</sup> day of Nov.  
 1890. To perform that duty. We surveyed the lands  
 of said Yeary. Beginning on a Stake near a Sugar tree  
 in the Gory line and with the same S 82 W 112 poles  
 to a Maple & two cedars. S 59 W 40 ft To a Stake S 18 E 74 poles  
 to a Rock & 3 Dogwoods on the Side of Chestnut ridge N 84 E  
 20 poles to a Chestnut oak Thence leaving Gory's line.  
 S 53 W 93 poles to a White oak N 8 1/2 W 15 3/4 poles to a Stake  
 Rurrell's corner & with his line N 26 1/2 W 36 1/2 poles to a  
 White oak N 12 1/2 W 42 3/4 poles to a Stake in the branch  
 N 8 E 10 1/2 poles to a Locust N 13 W 60 poles to a Stake in the  
 Sugar run Road. N 56 1/4 E 9 poles to a Stake N 19 W 75 1/2 poles  
 to a Stake in Bayer's line & with his line N 43 E 64  
 poles to a Stake N 49 1/2 E 116 1/2 poles to a Sassafras and  
 Dogwood on C. J. Taylors line & with his line S 13 E  
 16 1/2 poles to a Stake S 23 1/2 E 26 poles to the Road Thence  
 with George Brangan's line S 68 W 32 1/2 poles to a  
 Black Walnut S 16 E 85 poles to the Beginning.  
 This Boundary we found to contain 175 acres  
 We then proceeded to lay off the parties interest owned  
 in said Est. being governed by the <sup>Order</sup> given us to do.



We first layed off M. L. L. Yeary interest  $4\frac{1}{4}$  Equal shares  
and a part of John R. Yearys share after we disposed of the  
\$190 one hundred & ninety dollars. We began at figure  
one on the Platt which is the Maple & 2 cedars. Thence  $S 59^{\circ} W 75\frac{1}{2}$   
poles to a Stake  $S 19^{\circ} E 91$  poles to a Stake on <sup>the</sup> South line of the Survey  
and with the same  $S 53^{\circ} W 36$  poles to a White oak  $N 84\frac{1}{2}^{\circ} W$   
 $15\frac{1}{2}$  poles to a Stake,  $N 26\frac{1}{2}^{\circ} W 36\frac{1}{2}$  poles to a White oak  $N 12\frac{1}{2}^{\circ} W$   
 $42\frac{1}{4}$  poles to a Stake in the Franch,  $N 8^{\circ} E 10\frac{1}{2}$  poles to a  
Locust  $N 13^{\circ} W 60$  poles to a Stake in the Sugar runn.  
Road  $N 56\frac{1}{4}^{\circ} E 9$  poles to a Stake  $N 19^{\circ} W 75\frac{1}{2}$  poles to a Stake  
 $N 73^{\circ} E 64$  poles to a Stake  $N 69\frac{1}{2}^{\circ} E 34$  poles to a Stake  $S 21^{\circ} W$   
119 poles to the Beginning. and is also Represented by  
The figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. Containyng  $112\frac{1}{2}$  ac.  
We then divided the remainder of the Land into three parts  
in order to give each one Timber and Water. The Land is so  
situated we could not do otherwise and do justice to the  
other interests, as we thought. We layed off and assign-  
ed To G. J. Taylor & Wife  $9\frac{1}{4}$  Acres on the North Side of  
the Sugar Runn Road. and adjoining their Land and is  
Bounded as follows. Beginning on a Black Walnut marked  
on the Platt Capital, (A) Thence  $N 20^{\circ} W 45$  poles to B.  $N 69\frac{1}{2}^{\circ} E$   
32 poles to C.  $S 13^{\circ} E 14\frac{1}{2}$  poles to D.  $S 23\frac{1}{4}^{\circ} E 26$  poles E.  $S 68^{\circ} W 32\frac{1}{2}$   
poles to the Beginning and is marked on Platt No 1  
Also allot Lugin on the South Side of the Sugar Runn Road  
containing  $7\frac{1}{8}$  acres. and is Bounded as follows. Beginning  
at a Stake on the dotted line at Capital, (F) Thence  $S 16^{\circ} W 78\frac{1}{2}$  p.  
to a Stake on the Gory line at G.  $S 82^{\circ} W 14\frac{3}{4}$  poles to a Stake  
at H.  $N 18^{\circ} W 72$  poles to a Stake on the dotted line at I. Thence  
 $N 68^{\circ} E 17\frac{1}{2}$  poles to the Beginning and is Marked on the Platt No 2.



Also another lot laying on the Ridge. Containing  $7\frac{1}{2}$  Acres  
and is Bounded as follows. Beginning at a Stake on M. L. D. Neary's  
line at Capital, J. Thence  $S 62\frac{1}{2}^{\circ} W 13$  poles to a Stake at figure 2 M. L.  
D. Neary corner  $S 19^{\circ} E 91$  poles to a Stake at B Said Neary's corner  
Thence with the old line  $N 53^{\circ} E 13\frac{1}{2}$  poles to a Stake at K, thence  
 $N 14\frac{1}{2}^{\circ} W 98$  poles to the Beginning Marked No. 3.

We layed off and assigned to R. B. Taylor & Wife.  $8\frac{1}{2}$  Acres  
lying on the North Side of Sugar Run Road and  $7\frac{1}{10}$  on the South  
Side of Said Road. and adjoining each other. and is Bounded as  
follows Beginning on a Stake at figure 13. M. L. D. Neary's

Corner. & with his line  $S 21\frac{1}{2}^{\circ} E 91$  poles to a Maple & 2 Cedars at  
figure, 1. Thence  $N 82^{\circ} E 15\frac{1}{2}$  poles to a Stake at L. Thence with

lot No. 2  $N 18^{\circ} W 72$  poles to a Stake at J.  $N 68^{\circ} E 10$  poles to a Stake

Small, a,  $N 24\frac{1}{2}^{\circ} W 44$  poles to a Stake at Small, b,  $S 69\frac{1}{2}^{\circ} W 29$  poles

to the Beginning Marked on Plat No. 4, also another

lot lying on the Ridge. Containing  $7\frac{1}{2}$  Acres. and

Bounded as follows Beginning at a Stake and Capital

J. on M. L. D. Neary line and G. J. Taylor & Wife corner

and with the same  $S 18\frac{1}{2}^{\circ} E 88$  poles to a Stake at K. Thence

with the old line  $N 53^{\circ} E 14\frac{1}{4}$  poles to a Stake at Small, c,

$N 18^{\circ} W 84\frac{1}{2}$  poles. to a Stake at L, d, thence with Said

Neary line  $S 42\frac{1}{2}^{\circ} W 13\frac{1}{2}$  poles to the Beginning

Marked on the No. 5

We layed off and assigned to G. D. Gory H. M. Gory

Mary & Bales  $\frac{3}{4}$  of a Share.  $5\frac{1}{2}$  acres lying on

the North Side of the Sugar Run Road and  $5\frac{1}{10}$

on the South Side of Said Road and Bounded as

follows Beginning on a Black Walnut old corner at Capital



at and with the old line S 16 E 85 poles to a stake near a  
Dugartree on Gearys line at D small, e, S 82 W 11  $\frac{3}{4}$  poles to a stake  
at Capital E, corner to lot No. 2, and with the same N 67 W  
78 poles to Capital, H, S 69 W 7 poles to a stake at D small, a,  
corner to lot A 24, N 21  $\frac{3}{4}$  W 44 poles to a stake at D small  
b, N 69  $\frac{1}{2}$  E 21 poles to a stake Capital B. S 20 E 43 poles to  
the Beginning Marked on Platt N 2 4.

Also another lot on the ridge containing 5  $\frac{1}{4}$  acres  
adjoining their land and Bounded follows.

Beginning at a Stake Gearys corner + marked D small g  
S 18 E 74 poles to a Rock + 3 Dogwoods. Marked f, N 94 E  
20 poles to a chestnut oak Marked, h, S 52 W 29 poles to c,  
corner to lot 5 and with a line of the same N 18 W 86  $\frac{1}{2}$  poles  
to a stake on Gearys line at d, + with the same N 62  $\frac{1}{2}$  E  
8  $\frac{1}{2}$  poles to the Beginning Marked on Platt N 2 7.

We also give to the owners of the lots on the ridge  
a Road or passway one Rod wide from figure 2. To figure  
A we embraced in the land we assigned  
M. L. Geary the share of John R. Geary  
which in our valuation we con-  
sidered less in value than the other  
shares, one hundred & Ninety Dollars  
on account of the legacies devised  
by Henry Geary to his other heirs  
to make them equal to John R.  
Geary in the way of advancements  
and we assigned to L. M. Geary in



in his  $4\frac{1}{4}$  Equal shares, to C. J. Taylor & wife, R. B. Taylor & wife and the three Loney heirs, their legacy claims of (\$190.00) one hundred and ninety Dollars in land, that is to say C. J. Taylor & wife get their legacy claim of \$190.00 in land R. B. Taylor & wife get their claim of \$190.00 in land, and the Loney heirs get in land their claims on account of legacy; and L. M. Yeary gets assigned the shares of Mrs. Barker Mrs. D. Yeary and  $\frac{1}{4}$  of the Loney heirs share and the Monroe Yeary share subject to the payment by him of such portion of the legacies as may be considered as yet due them.

We herewith with file a plat, showing by meets and bounds the lot assigned each distributee, which measurement is made by horizontal measurement the degree of variation is  $3^{\circ}$  to the left.

Respectfully submitted

Bill of costs

C. C. Elliott Surveyor	\$8.00
E. S. Woodward	3.00
A. P. Wynn	3.00
C. J. Taylor & wife	3.00
<b>Total</b>	<b>\$17.00</b>

C. C. Elliott	{	Couns
E. S. Woodward		
A. P. Wynn,		



Virginia Lee County to wit: -

In the office of the clerk of the  
said county, the, foregoing report and plat  
of the partition of the lands of Henry  
Yeary decd. together with the decrees  
thereon, was presented and admitted  
to record

John R. Gibson Clerk.

R. J. Taylor & Co  
County Reports  
vs of Partition  
M. D. L. Yeary et al

Filed Nov. 18. 1890.

J. A. Stewart

Recorded Deed Book.

26 P. 367.

J. R. Gibson cl.

County fee \$17.00



Charles J. TAYLOR wife et al Defts  
versus  
M. D. L. YEARY et al Defts  
In Chancery

To the Hon. H. S. E. MORRISAN  
Judge of the Circuit Court  
for Lee County Va.

Your undersigned  
Commissioner in obedience  
to the requirements of a decree  
entered in the above styled  
Cause on the 5<sup>th</sup> Sept. 1890;

Proceeded on the 31<sup>st</sup> October  
1890 to perform the duties assigned  
me in said decree - having  
noticed the parties in interest  
to appear at my office in Jones-  
ville on said day.

Whereupon it was agreed  
between the parties in interest to  
first have a partition of the  
lands in this Cause mentioned  
equally between and among those  
having interest therein.

And Lafayette M. Yeary  
announcing that he had the money  
to pay the Legacy charges resting on  
the lands on interests sold him by



the various legacies, and C. J. Taylor  
wife, Rubin Taylor wife and the  
Levey heirs, expressed a desire  
that the Legacies due them  
be laid off to them in land,  
it was concluded best to take  
that course in adjusting all  
matters between the parties  
thereby avoiding a sale of  
land sufficient to discharge  
the claim of Legacies -

And thereupon your  
Court, continued his further  
action until the Commissioners  
appointed to partition said  
lands made & filed a report  
and plat of their proceedings  
which by an inspection thereof  
it will be observed that they  
proceeded in the manner  
indicated above - and assigned  
to M. D. L. Geary  $8\frac{1}{4}$  Shares  $3\frac{1}{4}$   
thereof having been purchased  
from Mrs Barker, Wm. D. Geary  
Monroe Gearys heirs & Rosa B.  
Smith, which are chargeable  
with their claim of Legacies



Subject to the credits specified in said decree a statement of which will be referred to at the close of this report - one of said shares is that of his own including his claim of legacy and the other share is that of John R. Yeary's which is according to their report worth 190¢ less than the other shares - They assigned to C. J. Taylen & wife, to Rubin Taylen & wife and to the heirs of Malinda Covey, ~~their~~ their due proportion of land including their claims of legacies, which last assignments are in full satisfaction of all claims the two Taylars and Covey heirs have against said Estate.

I have prepared and file herewith a statement showing first that the entire Legacy charge was \$1400.00

Of this sum seventy dollars has been paid by C. J. Taylen Curst. of Rutha Yeary on account of personal estate which he received



from the Estate of Henry Yeary leaving \$1330.00 as a charge against the Land, and as before indicated E. J. Taylor wife were assigned land in satisfaction of their claim of legacy. So was Rubin Taylor wife and the Covey heirs. leaving the sum of \$617.50 yet to be disposed of and discharged and according to Your Honors decree those who sold their interest in said land to M. D. L. Yeary should have a credit given on their claims of legacies of  $\frac{1}{8}$  the value thereof and after giving such credits - there still remains \$540.  $3\frac{1}{4}$  of Legacy money which is chargeable to the  $3\frac{1}{4}$  shares of land assigned M. D. L. Yeary and due as follows to wit: -

To Mrs. Elizabeth Barker	\$166.25
" M. D. Yeary	166.25
" Robt J. Bailey wife	83.12 $\frac{1}{2}$
" Henry J. Davis wife	83.12 $\frac{1}{2}$
" Rosa B. Smith	41.50 $\frac{1}{4}$

Total \$540.  $3\frac{1}{4}$   
 When M. D. L. Yeary ~~shall~~ <sup>pay</sup>



paid these sums to the persons  
named all matters of  
dispute in this Cause  
will have been adjusted  
so far as your Comr. is  
advised.

Respectfully Submitted  
J. A. S. Hyatt Comr.



L. J. Taylor & wife  
vs J. A. Hyatt  
Report & State  
ment.  
M. D. L. Gentry et al

Filed Nov. 20/1890,  
J. A. Hyatt ©

Courts Fee \$7.50



Charles J. Taylor and M. L. Yeary  
Committee for Rutha Yeary widow  
of H. H. Yeary dec'd.

To said Rutha Yeary: . . . . . Dr

1884	To this sum received May 27 <sup>th</sup> 1882		
January 1 <sup>st</sup>	from Alfred Covey Admr. H. H. Yeary dec'd	\$50.06	
	To this sum interest thereon to Jan'y 1 <sup>st</sup> 1884.	4.29	
" "	" Rents rec'd July 1 <sup>st</sup> 1883. for 1882,	45.00	
" "	" Interest to January 1 <sup>st</sup> 1884. --	1.12	
" "	" Rents for year 1883	50.00	
" "	" Total Estate January 1 <sup>st</sup> 1884.	\$160.47	
1	By this sum paid Taxes for 1881	8.78	
" "	" Interest to Jan'y 1 <sup>st</sup> 1884	1.05	
2	" " " paid Taxes for 1882	7.28	
" "	" Int to Jan'y 1 <sup>st</sup> 1884	43	
3	" " " paid Taxes for 1883	8.39	
4	" " " allowed C. J. Taylor acct	13.64	
5	" " " paid J. B. Gibson fee	1.42	
	By 10% com, on \$40.99 disbursed	4.10	
	By this sum in Committee hands to square	\$105.38	\$160.47
1885-			
Jan'y 1 <sup>st</sup>	To this sum in Comt, hands unaccounted for	\$105.38	
" "	" Interest thereon 1 year	6.30	
" "	" amt. received for 1884	50.00	
" "	" Total Estate Jan'y 1 <sup>st</sup> 1885.	\$161.68	
6	By " " paid Taxes for year 1884	9.20	
7	" " " allowed C. J. Taylor his acct	2.50	
	By 10% com on \$11.70 disbursed	1.17	
	By this sum in Comt, hands to square	148.81	\$161.68
	To this sum debits forwarded Jan'y 1 <sup>st</sup> 1885	\$148.81	



1886	To this sum in Court hands to square Jan. 1 <sup>st</sup> 1885	\$148.81	
Jan. 1 <sup>st</sup>	" " " Interest thereon to Jan. 1 <sup>st</sup> 1886	8.92	
	" " " amt recd for rents for 1885	95.75	
	" " " " " " one calf	10.00	
	" " " Total in Court, hands Jan. 1 <sup>st</sup> 1886	\$263.48	
8	By this sum paid Taxes for year 1885	9.27	
9	" " " " M. L. Geary acct	25.09	
	By 10% Com on \$34.36 disbursed	3.43	
	<u>By this sum in Court, hands to square</u>	<u>\$225.69</u>	\$263.48

1887			
Jan. 1 <sup>st</sup>	To this sum in Court, hands unaccounted for Jan. 1 <sup>st</sup> 1885	\$225.69	
	" " " Interest thereon to Jan. 1 <sup>st</sup> 1886	13.54	
	" " " Rents recd for year 1886	75.00	
	" " " Total Estate Jan. 1 <sup>st</sup> 1887	\$314.23	
10	By this sum paid Taxes for year 1886	\$10.79	
	" 10% Com on \$10.79 disbursed	1.08	
	<u>By this sum in Court, hands to square</u>	<u>\$302.36</u>	\$314.23

1888			
Jan. 1 <sup>st</sup>	To this sum unaccounted for last year	\$302.36	
	" " " Interest thereon one year	18.14	
	" " " amt due from Louey, Jan. 1 <sup>st</sup> 1888	50.00	
	" " " " recd for calf Nov. 20 <sup>th</sup> 1887	5.00	
	" " " Chargeable to Court, Jan. 1 <sup>st</sup> 1888	\$375.50	
11	By this sum paid Taxes for year 1887	14.33	
12	" " " " J. A. L. Hyatt Amr	4.00	
	" " " "to be" J. B. Lilesow clerk	2.04	
	<u>By 10% Com, on \$375.50 amt Est.</u>	<u>37.55</u>	\$57.92
			\$317.58



1888

Jan 1 <sup>st</sup>	To this sum debits brought forward	\$317. 58
1	By this sum paid Malinda T. Levey distrib <sup>te</sup>	45. 36
2	" " " " M. L. Geary distribut <sup>ee</sup>	45. 36
3	" " " " L. J. Taylor wife "	45. 36
4	" " " " Elizabeth M. Barker "	45. 36
5	" " " " R. Bailey wife & H. Davis wife	45. 36
6	" " " " W. D. Geary distribut <sup>ee</sup>	45. 36
7	" " " " R. B. Taylor wife "	45. 36
	By this sum paid Court for this statement	. 06 \$317. 58

To The Hon. C. T. Duncan, Your undersigned assistant Court of accounts, begs leave to report that after advertising as the law directs, I proceeded on the 1<sup>st</sup> day of January 1888, to state & settle the account of L. J. Taylor & M. L. Geary as committee for Rutha Geary a person of old age — and as will be observed I have charged said Committee with \$50.00 as of May 27<sup>th</sup> 1882 amount found due and turned over by Alfred Levey Adm<sup>r</sup> of Henry Geary decd, and interest thereon to Jan 1<sup>st</sup> 1884 & with rents & interest up to Jan 1<sup>st</sup> 1884 Total amt \$150. 47 and with annual rents & receipts thereafter, and have given them credit for vouchers



from 1 to 12 inclusive, resulting in finding \$317.58 in said Committee's hands which they desired to pay to the distributees of said Rutha Yeary, and said C. F. Taylor who is the active Committeeman proceeded to pay to her seven heirs \$45.36 <sup>Each</sup> as will appear by their receipts filed and marked 1, 2, 3, 4, 5, 6 & 7, & your Court 6 cents for the additional statement which closed up said account to January 1<sup>st</sup> 1888.

Respectfully Submitted  
J. A. Hyatt att. Coun

Virginia.

At a county court continued and held for Lee county at the Court house thereof, On Tuesday May 10<sup>th</sup> 1888.  
C. F. Taylor & M. G. Young Committee for Rutha Yeary

C. F. Taylor & M. G.  
Committee of Rutha Yeary  
Settlement of their  
account No 1.

By J. A. Hyatt att. Coun.

Filed Feb 16<sup>th</sup> 1888.

J. R. Gibson clerk

confirmed May 10<sup>th</sup> 1888

Recorded Settlements

of Francis is No 2

Page 598

J. R. Gibson clerk

this day produced to the court a settlement and report of their account made by J. A. Hyatt assistant commissioner of accounts for Lee county which settlement and report having been filed in the clerk's office the time required by law and unexcepted to seen and inspected by the court is confirmed and ordered to be recorded.

A copy to John R. Gibson Clerk





Mr. *Henry A. Gray Esq*  
1881 To **Z. T. CECIL** Treasurer of **LEE** County, Dr.

	STATE TAX, 50 cents on the \$100.	County Levy, 30 cents on the \$100.	County School Tax 10 cents on \$100.	District School Tax 10 cents on \$100.	TOTAL AMOUNT OF TAXES.
<i>262</i> To <i>176</i> Acres of Land, Value, \$ <i>876</i>	<i>438</i>	<i>264</i>	<i>88</i>	<i>88</i>	<i>876</i>
Property, Income, etc., \$					
Capitation Tax,					
County School Tax,					
District School Tax,					
Total	<i>438</i>	<i>264</i>	<i>88</i>	<i>88</i>	<i>878</i>

Received Payment in full,

*Z. T. Cecil*

Treasurer.



(1)





Mr.

*Henry H. Yeazley & Co.*  
1882 To Z. T. Cecil, Treasurer of Lee County, Dr.

	STATE TAX, 40 cents on the \$100.	County Levy, 30 cents on the \$100.	County School Tax 10 cents on \$100.	District School Tax 3 cents on \$100.	TOTAL AMOUNT OF TAXES.
To <i>17 1/2</i> Acres of Land, Value, \$ <i>476</i>	<i>3 50</i>	<i>2 63</i>	<i>88</i>	<i>27</i>	<i>7 28</i>
Property, Income, etc., \$					
Capitation Tax,					
County School Tax,					
District School Tax,					
Total	<i>3 50</i>	<i>2 63</i>	<i>88</i>	<i>27</i>	<i>7 28</i>

Received Payment in full, *Z. T. Cecil* Treasurer.



(2)





Mr. Henry H. Yeary's Estate

1883 To **M. B. WYCAL,**

Treasurer of

**LEE**

County, Dr.

<u>2 Drac</u>	STATE TAX, 40 cents on the \$100.		County Levy, 25 cents on the \$100.		County School Tax 10 cents on \$100.		District School Tax 10 cents on \$100.		TOTAL AMOUNT OF TAXES.
To <del>176</del> Acres of Land, Value, \$876	3	50	2	19		88		88	745
Property, Income, etc., \$110		44		28					72
Capitation Tax,									
County School Tax,						11			11
District School Tax,								11	11
Total	3	94	2	47		99		99	889

Received Payment in full,

M. B. Wycal Treasurer



(3)



1881

Aug

Rutha Yeary to the clk of Lee Co. Court

Dr.

Rude vs Chas. Taylor Commit, 30. Copy 20 Rict 18 Dock. 18 Att 10 Ins car 100

Lexing court re 40

John R. Gibson clk

40  
\$1.40



Rutha Yeary

142

5-



\$45.36

Received of C. J. Taylor acting  
Committeeman for Rutha Yeary  
widow of the late H. H. Yeary  
deceased, the sum of Forty-five  
Dollars & 36 cents my distributive  
share of the Estate of said Rutha  
Yeary in the hands of said C. J.  
Taylor and M. L. Yeary Committeeman  
for said Rutha Yeary as shown  
by settlement as of January 1<sup>st</sup> 1888,  
this ~~date~~ by the December 1887.

Margaret S Taylor R B Taylor



7

1875

1875

1875

1875

8



\$ 45.35

Received of C. J. Taylor  
acting committeemen for Ruthy  
yeary Widow of the late S. S.  
yeary deceased the sum of  
forty five dollars & 35 cents  
my distributing share of the  
estate of said Ruthy yeary  
in the hands of said C. J.  
Taylor and M. J. yeary  
committeemen for said Ruthy  
yeary as shown by  
settlement as of  
January 1 1888.

this the 3 day of January  
1888

Robert J. Bailey  
Mary E. Bailey

Henry J. Davis  
Rachel M. Davis







\$ 45:30

Received of C & F Taylor ~~and~~  
acting commit<sup>m</sup>teemen for Buthey  
yeary Widow of the late S<sup>r</sup> S<sup>r</sup>  
yeary decessed the sum 40  
forty five dollars & 30 Cents  
my distributive share of the  
Estate of said Buthey yeary  
in the hands of saide C & F  
Taylor and S<sup>r</sup> S<sup>r</sup> yeary  
Committeemen for said  
Buthey yeary as shown  
by settlement as of  
January 1 1888 this the  
1887 this November 20 day

William D. Yeary



2



\$ 45: 36  
~~action~~ Received of C S Taylor  
Committeemen for  
Peuthey yeary Widow of the  
late Ss Ss yeary deceased the  
some of forty five dollars  
& 36 cents of the estate of  
saide Peuthey yeary in the  
hands of saide C S Taylor  
M L yeary Committeemen  
for saide Peuthey yeary  
as shown by setelment  
as of January the 1st 1888  
this the 20 day of December  
1887

Elizabeth N Barker



(4)



\$45: 36

Received of C P Taylor acting  
Committeemen for Ruthy yeary  
Widow of the late ss ss  
yeary deceased the sum of  
forty five dollars & 36 cents  
my distributing share of the  
Estate of said Ruthy yeary  
in the hands of said C P  
Taylor and M I yeary  
committeemen for said Ruthy  
yeary as shown by  
Settlement as of  
January 1 1868

January 2 day 1868

Charles P Taylor  
Rachel M Taylor  
mark



(3)



\$ 45:30

Received of C. I. Taylor  
acting committeemen for  
Ruthey yeary Widow of the  
late S. S. yeary deceased  
the sum of forty five  
dollars & 30 cents of the  
Estate of said Ruthey yeary  
in the hands of said  
C. I. Taylor and M. I.  
yeary committeemen for  
said Ruthey yeary as shown  
by settlement as of January  
the 1<sup>st</sup> 1888  
this the 3<sup>rd</sup> day of December 1887  
M. I. yeary



(2)

2



\$ 45.36

Received of C. J. Taylor  
acting committeemen for  
Ruthy Leary widow of the  
late H. H. Leary deceased  
the sum of forty five  
dollars & 36 cents my  
distributing share of the  
Estate of said Ruthy Leary  
in the hands of said  
C. J. Taylor and Mr. L.  
Leary Committeemen for  
said Ruthy Leary as  
shown by settlement  
as of January 1<sup>st</sup>. 1888.  
This the 1<sup>st</sup> day of Dec 1887

Malinday  
Gorey



(11)

2





Mr.

*Henry Henry's Estate*

1884 To M. B. WYGAL,

Treasurer of

LEE

County, Dr.

	STATE TAX, 40 cents on the \$100.	County Levy, 25 cents on the \$100.	County School Tax 10 cents on \$100.	District School Tax 10 cents on \$100.	<del>School</del> TOTAL AMOUNT OF TAXES.
To..... Acres of Land, Value, \$.....					
Property, Income, etc., \$ <i>130</i>	<i>39</i>	<i>52</i>	<i>13</i>	<i>13</i>	<i>130</i>
Capitation Tax,.....					
County School Tax,.....					
District School Tax,.....					
Total.....					<i>130</i>

Received Payment in full,.....

*M B Wygal* Treasurer *130*



Done on this

Ticket #1.36 cents

Amount Due on  
all three of these  
tickets \$589 and

$$\begin{array}{r} 15.91 \\ - 10.135 \\ \hline 5.775 \end{array}$$

22

[illegible]



Mr. *Henny Yeary's Estate* District No. *2*  
 1884. To M. B. WYGALL, Treasurer of LEE County, Dr

*2 tracts*

	State Tax, 30 cents on the \$100.	State-School Tax, 10 cts. on the \$100.	County Levy 25 cts. on the \$100.	Co. School 10 cts. on the \$100.	Dist. School Tax 10 cents on \$100.	TOTAL AMOUNT OF TAXES.
<i>176</i> Aer's Land value <i>8.76</i>	<i>26.3</i>	<i>88</i>	<i>220</i>	<i>88</i>	<i>88</i>	<i>747</i>
Property, Income, etc. .... *						
Capitation Tax.....						
State School Tax.....						
County School Tax.....						
District School Tax.....						
Total .....						<i>747</i>

The Progressive Age Job Office, Estillville, Scott County, Va.

*M. B. Wygall*

*784*



784 (6)  
550  
224

Or by cash

\$5.50 cts

Feb 11 1885

7.84  
1.36  
\$9.20

Due on this  
Ticket #234 cts



Memorandum of services <sup>rendered</sup> by M. S. Yeary  
In & for Estate of F. H. Yeary Deceased from 1881  
up to February 1886  
1882 claim for the widow of F. H. Yeary \$2.00  
Expenses paid for appointment of committee \$5.00  
for services rendered as committee men \$4.00  
for Halling wood <sup>days</sup>  $1\frac{1}{2}$  corn  $\frac{1}{2}$  day to the store 1 day \$4.50  
Whole Amt \$15.50

Virginia Lee county To Wit

This day M. S. Yeary came before me the  
undersigned a justice of the peace for the  
county aforesaid and made oath that the  
above account is true and true. Given  
under my hand this the 10<sup>th</sup> day of February  
1886 Peter Bays J. P.



M<sup>r</sup> J<sup>r</sup> Gary  
accounty againt  
the said estate

53.04  
6  
3.18.30  
1



\$4.00

Received of L. J. Taylor Cash, Four  
Dollars for making his settlement  
No 1 - Nov. 29<sup>th</sup> 1887.

J. A. Hyatt  
Asst. Collector



(12)



Mr. George Henry H's (Ety) District No. 2  
 1887. To J. P. Graham, Treasurer of Lee County, Dr.

<u>2</u> TRACTS.		State Tax, 30 cents on \$100.	County Levy, 50 cents on \$100.	County School Tax, 10 cents on \$100.	District School Tax, 10 cents on \$100.	State School Tax, 10 cents on \$100.	TOTAL AMOUNT OF TAXES.
To <u>176</u> acres land, value, \$	1007	3 09	5 03	1 01	1 01	1 01	1 50
Property, income, etc. .	141	42	70				
Capitation Tax, . . .							
County School Tax, . .				14			
District School Tax, .					14		
State School Tax, . . .						4	21
Total, . . . . .							31

*Total*  
 12,58  
 1,12  
 14  
 14  
 35  
 \$14.33

Received Payment in full, John P. Graham Treasurer.



(111)

ST. AUGUSTINE

FLORIDA

1880



Mr. 1885

Henry Henry Estate

District No. 2

To M. B. WYGAL, Treasurer of Lee County,

Dr.

State Tax, 30 cts. on the \$100.	County Levy, 25 cts. on the \$100.	State School Tax, 10 cts. on the \$100.	County School Tax, 10 cts. on the \$100.	Dis't. School Tax, 5 cts. on the \$100.	Total Amt. of Taxes.
--	--	---	--	---	-------------------------

2

TRACTS.

To 176 acres land value	1007	202	504	101	101	51	1059
Property, income, etc. . . . .							
Capitation Tax, . . . . .							
State School Tax, . . . . .							
County School Tax, . . . . .							
District School Tax, . . . . .							
Total, . . . . .							1059

RECEIVED PAYMENT.

M. B. Wygal

COUNTY TREASURER

1059  
661  
398  
418



credit for 16<sup>86</sup>/<sub>3</sub>  
cash by Chas J Taylor  
Six dollars & Sixty one cent

661  
418  
10.79

(10)



Received of <sup>the</sup> Estate of H. H. Yeary  
Deceased By the hand of M. L.  
Yeary four Dollars & 50 cents for  
halling Rails for the benefit of  
The Farm of the late H. H. Yeary  
Dec<sup>d</sup> the 12<sup>th</sup> day of July 1884  
The above halling John, H. <sup>his</sup> Boys  
was Done April 1883 <sup>mark</sup>



John H. Bay's  
Rpt



1881

Jan.

The Estate of Henry Geary decd.

To the clerk of Lee county court of Dr.	
For filing & recording Appraise Bill of said	
Geary decd. 60,	
For filing will of said dec-	.60
edent. 15, Dack. 18, atto. 10, Swearing witnesses	.43
20, and admitting to record. 36, copy. 20, re-	.76
cording will 20.45, Tax 1.00.	1.48

\$3.24

James W. Orr, clerk.



Received payment by M. L. Geary on the  
within

J. C. Orr. for J. W. Orr.

Henry Geary's Est.

\$3.24  
450  
\$7.74  
1881

7.74  
1881  
\$9.59



Rutha Yeary

1882	To M. L. Yeary	Dr
Jan 1	To amt. paid J. W. Orr for bill	\$ 3.24
1883. Apr.	" " " J. H. Bays for receipt	4.50
"	" " for flour furnished you,	2.00
1884	" " paid in fees for appointment as com.	5.00
"	" " for work done as committee	4.00
"	" " Hauling wood $1\frac{1}{2}$ cords $\frac{1}{2}$ day & so	4.50
Feb. 1886	Interest on two first items	\$ 23.24
		<u>1.85</u>
		\$ 25.09

Received of L. J. Taylor the above  
amount in full this Jan 1<sup>st</sup> 1887.

M. L. Yeary



M. L. Gary  
acct  
\$25.09

Jan 1<sup>st</sup> 1887

(9)



Mr.

1885.

Henry Yearz Estate

District No.

To M. B. WYGAL, Treasurer of Lee County,

Dr.

State Tax, 30 cts. on the \$100.	County Levy, 35 cts. on the \$100.	State School Tax, 10 cts. on the \$100.	County School Tax, 10 cts. on the \$100.	Dis't. School Tax, 10 cts. on the \$100.	Total Am't. of Taxes.
--	--	---	--	--	--------------------------

2 TRACTS.

To 176 acres land value

Property, income, etc. . . . .

Capitation Tax, . . . . .

State School Tax, . . . . .

County School Tax, . . . . .

District School Tax, . . . . .

Total, . . . . .

RECEIVED PAYMENT.

C. C. Blankenship Dep.

COUNTY TREASURER

9 07  
 2 00  
 4 07  
 4 27



or on the within Tax  
by Charles J Taylor  
by cash Friedallan  
\$5.00

(8)



1882	Rutha Yeary	
	To her Committee on a w. l. f. Taylor	400
Sept 6	To auit, paid for shoes	\$1.42
" "	" " Domestic	.60
" "	" " Two handkerchiefs	.25
" "	" " to the Church	1.50
" "	" " for Jean, 1.00. Sugar & rice 25.	1.25
Decr. 17	" " " John Krub for making rails	5.35
" "	" " " for Civil listy	2.50
	Total to January 1883.	\$13.87
	" Interest to Jan. 1884	77
		<u>\$13.64</u>

1885-	To auit paid for windows glass & nails	\$1.00
Januy	" " " " boards & shingles	1.50
		<u>\$2.50</u>

Sworn to before me Nov. 29<sup>th</sup> 1887  
 J. A. Hyatt & Co



4

(7)



Charles J. Taylor Committee for  
Rutha Yeary and Administrator of  
the Estate of said Rutha Yeary  
To the Creditors and distributees  
of said Rutha Yeary, Dr.

1889	Jan 1 <sup>st</sup>	To this sum received rents for year 1888	\$50.00	
18		By " " paid Taxes for Year 1888	12.61	
9		" 10% com on \$12.61 disbursed	1.26	
10		" <u>this sum in Cont. hands to square</u>	36.13	50.00

1890	Jan 1 <sup>st</sup>	To this sum unaccounted for last year	\$36.13	
13		" " " Interest thereon one year	\$2.16	
14		" " " recd. rent for year 1889		50.00
15		" " " Total Estate Jan 1 <sup>st</sup> 1890.		\$86.13
2	16	By this sum paid Land Tax for 1889	11.60	
3	17	" " " " property " " "	69	
18		By 10% com on \$12.29 disbursed	1.22	
19		" <u>this sum unaccounted for Jan 1<sup>st</sup> 1890</u>	72.62	86.13

1890	Nov 1	To this sum from unaccounted for Jan 1 <sup>st</sup> 1890	\$72.62	
22		" " " Int. thereon to Nov. 1 <sup>st</sup> 1890	3.63	
23		" " " accumulated Int. brought down	2.16	
24		" " " Anti. Sale Bill " A. Apr. 20 <sup>th</sup> 1890	58.22	
25		" " " Int. to Nov. 1 <sup>st</sup> 1890 - - -	1.86	
26		" " " Total Est. from all sources.		\$138.49
27		By 10% on \$138.49 bal Estate	13.84	
4	28	" this sum paid J. R. Gibbons clerk	2.04	
5	29	" " " " W. S. Council for office	16.00	
6		" " " " E. M. Russell appr.	1.00	
7	31	" " " " A. N. Leamy apt	1.00	
8		" " " " C. C. Blankenship apt	1.00	

audit's forwarded - - - \$34.88 \$138.49



1890<sub>1</sub>

Apr. 1	2	To this sum amt debits brought forward	\$138.49	
	3	By " " " Credits " "	\$34.88	
	4	" " " " paid B. M. Morgan a pt	2.50	
	5	" " " to be " for recording this settlement	1.92	39.30
	6	Bal for distribution - - -		\$99.19
	7	To this sum found on hands from testors		16.17
	8	" " " Total Estate for distribution		\$115.36
	9	By this sum paid John B. Geary distributee	\$5.36	
2	10	" " " " R. B. Taylor wife	10.00	
3	11	" " " " M. D. L. Geary	10.00	
4	12	" " " " <sup>Elizabeth Barker</sup> A. L. Friedman Atty for	10.00	
"	13	" " " " Same for Wm. D. Geary	10.00	
5	14	" " " " R. J. Bailey wife	5.00	
6	15	" " " " H. J. Davis wife	5.00	
7	16	" " " " C. D. Leoney	3.75	
8	17	" " " " H. N. Leoney	3.75	
9	18	" " " " R. B. Smith	2.50	
	19	" " " retained as distributee to equal	10.00	\$115.36
	20			
	21			
	22			
	23			
	24			
	25			
	26			
	27			
	28			
	29			
	30			
	31			
	32			



of Rutha Yeary  
Settlement of his  
account final.

of Rutha Yeary  
Settlement of his  
account final.



We Wm. Day J. M. Lucas and  
E. M. Russell having been appointed by  
an order of court for the purpose of apprais-  
ing the estate of Ruthy Yeary Deed have  
met in pursuance of said order and  
do appraise her property as follows

One cow	\$12.00
One wagon	5.00
Eleven chairs	1.50
One side saddle	2.00
One chest	25
One lot of castings	3 00
Two brass kettles	2.50
Reel and other trunks	1.00
Two bed stands	2.00
One bed and bed clothing	10.00
One cupboard and chest	3 00
One lot of Books and Picture frame	50
One little table	1.00
One Press and lot of dishes	5 00
One clock	1.50
One barrel and other trunks	25
One hackle &c	50
One table.	2.00



Virginia Lee County to wit  
We Wm Day & M Lucus and E M Russell  
three appraisers of the property of the late  
Ruthy Yeary Deed having been duly  
sworn do certify that we have appraised  
her property at its fair cash valuation  
to the best of our ability

Wm Day  
E. M. Russell  
J M Lucus

Virginia Lee County Court Clerk's office May 9th 1889.

The foregoing appraisement bill of the personal property  
of Rutha Yeary deed was this day filed in this office  
and having been approved by the Comr of accounts is  
admitted to record.

Teste John R. Gibson clerk.

Ruthy Yeary deed.  
Appraisement Bill.

Examined & found  
correct in form &c.  
May 15th 1889  
James H Orr, Comr.  
of accounts.

Recorded Will Book  
4 Page 23.

J. R. Gibson clk.  
Examined July 26th 1889



Filed May 7th



1 page

# Sale Bill of the estate of

DECEASED

Reuthey years <sup>on the 1st of Decr</sup> <sup>the 1st of April</sup> the

20 1889 Charles E. Taylor  
admiral's brator

I. M. Lucas	one pair tongs	140
Peggie Taylor	one bumpet	15
Robert Bailey	1 meat cutter	90
C. L. Taylor	sifter & bushel	15
Robert Bailey	steel trap	35
Peter Bays	1 pair steel bands	25
C. L. Taylor	sheep shears and <sup>other</sup>	15
C. L. Taylor	scissors and other things	10
J. Givens	1 Coffey mill	5
Peggy Taylor	Basket	5
C. L. Taylor	Box and other things	10
Reuthey Bays	1 keg & Reel	20
Robert Bailey	1 side saddle	3 50
Reuthey Bays	1 fire shovel	30
Nancy Clifton	2 oven & Pot	15
James Sargent	1 Chest	15
Peggy Taylor	1 skillet	15
Loel Burgin	1 Baker	15
Thomas Givens	1 Baker	12 1/2
Nancy Clifton	1 oven	25

77.64 1/2



2 Page

Loel Burgin	1 Brass bottle	#7	25
Peggy Taylor	1 Brass bottle	2	75
Peter Bays	1 Spaid		15
John Harbor	1 Lot chairs		80
James Lucas	" " "		30
Ruthy Bays	" " "		55
C. L. Taylor	" " "		25
C. L. Taylor	1 Bedstead	1	10
Can. Sargent	" " "		96
James Lucas	1 Carp bed	3	15
C. L. Taylor	1 Bed	1	70
C. L. Taylor	2 Pillows		30
Nancy Clifton	1 Bed		65
C. L. Taylor	" " "		75
Can. Sargent	1 Bed tie		45
Peter Bays	1 Bed quilt	1	10
Nancy Clifton	" " "	1	55
C. L. Taylor	1 Bed Blanket	1	00
C. L. Taylor	1 Counter Pan	1	35
C. L. Taylor	1 Cover Lid	1	50
James Lucas	1 Comfort		25
Benny Burkhart	1 Cover lid	1	25

29 76 1/2

3 Page

Loel Burgin	1 sheet		22
Moley yeary	1 Bed blanket		20
Peggy Taylor	1 Chest		20
Sarah Bays	1 Lot dishes paid		37
Ben Sargent	1 Lot dishes		32
Ch. L. yeary	1 Cass tonter paid		10
Louise yeary	1 Linen can		10
Loel Burgin	1 Pitcher		25
C. L. Taylor	1 shugor Bole		5
Loel Burgin	4 Plates		30
Benny Burkhart	1 Tea Pot		9
Louise yeary	1 Cream Pitcher		5
Loel Burgin	1 set Teacups		15
John Harbor	3 Smirer an forks		15
Benny Burkhart	1 Press	2	55
Ruthy Bays	1 Pictor frame		11
James Lucas	1 Hachel &		5
Loel Burgin	1 Table	1	20
James Sargent	1 clock	1	15
Elisha Bais	1 Lots Books		10
Nobel Godley	1 Table	2	30

40 21 1/2



(A)

It Page

	th	th
	40.	2 1/2
James Lucas 1 Wagon	2	50
Nobel Casey 2 Boxes		25
John Sealford 1 load	16	25
	\$58	2 1/2

Virginia Lee county court clerk's office  
May 7<sup>th</sup> 1889. The foregoing Sale Bill of the  
personal property of Rutha George died  
was this day filed in this office and  
admitted to records.

Teste John R. Gibson clerk

Filed May 7<sup>th</sup> 1889

Examined July 26<sup>th</sup> 1889  
J. R. Gibson

Book 4 p. 24

Records Mice

Rutha George  
Sale Bill



Inventory of rents ~~received~~  
received as Committee for Rutha  
Yeary for the years 1888 & 9.

To Rents for year 1888 (less improvements) \$50.00

" " " " 1889 " " 50.00

Charles L Taylor \$100.00

Committee for  
Rutha Yeary.

Slamp.



Inventory  
(B)



Mr. George Henry's (Est) District No. 2  
 1888. To J. P. Graham, Treasurer of Lee County, Dr.

<u>2</u> TRACTS.		State Tax, 30 cents on \$100.	County Levy, 50 cents on \$100.	County School Tax, 10 cents on \$100.	District School Tax, 10 cents on \$100.	State School Tax, 10 cents on \$100.	Road Tax.	TOTAL AMOUNT OF TAXES.
To <u>176</u> acres land, value, \$	<u>1007</u>	<u>3 02</u>	<u>5 04</u>	<u>1 01</u>	<u>1 01</u>	<u>1 01</u>	<u>1 52</u>	<u>12 61</u>
Property, income, etc. . .								
Capitation Tax, . . .								
County School Tax, . . .								
District School Tax, . .								
State School Tax, . . .								
Total, . . . . .								

Received Payment in full. John P. Graham, Treasurer 12 61



$$\begin{array}{r}
 12.61 \\
 \times 896 \\
 \hline
 2159
 \end{array}$$

(1)



MR.

1889.

*Geary Henry 313 (Est)*

District No.

2

TO

J. P. GRAHAM, TREASURER OF LEE COUNTY, VA.

DR.

2 TRACTS.		State Tax 30 cents on the \$100.		State School Tax, 10 cents on the \$100.		Co. School Tax, 10 cents on the \$100.		Dist. School tax 10 cents on the \$100.		Road Tax, 15 cents on the \$100.		County Levy 40 cents on the \$100.		TOTAL AMOUNT OF TAXES.
To 176 acres land, val. \$1007		3	02	1	01	1	01	1	01	1	51	4	04	11 60
Property, income, etc.														
Capitation Tax . . .														
County School Tax, .														
District School Tax, .														
State School Tax, . .														
Total, . . .														11.60

Received Payment in full,

*John P. Graham*

Treasurer.



$$\begin{array}{r}
 1007 \\
 2115- \\
 \hline
 5035- \\
 1007 \\
 \hline
 1007 \\
 \hline
 11.68
 \end{array}$$

(2)

$$\begin{array}{r}
 1160 \\
 68 \\
 \hline
 \$12.29
 \end{array}$$

Gearrys Estate



M.R.

1889.

Gears Henry's (Est)

District No. 2

TO J. P. GRAHAM, TREASURER OF LEE COUNTY, VA. DR.

TRACTS.	State Tax 30 cents on the \$100.		State School Tax, 10 cents on the \$100.		Co. School Tax, 10 cents on the \$100.		Dist. School tax 10 cents on the \$100.		Road Tax, 15 cents on the \$100.		County Levy 40 cents on the \$100.		TOTAL AMOUNT OF TAXES.
To _____ acres land, val. \$													
Property, income, etc.	60	18							9		24		57
Capitation Tax . . .		00											00
County School Tax, .				6									6
District School Tax, .					6								6
State School Tax, . .						6							6
Total, . . .													69

Received Payment in full, John P. Graham Treasurer.



(3)



1888

C. G. Taylor & M. L. Yeary. Comitee for Yeary.

To Clerk of Lee Co Court Dr.

Feb

Filing & recording settlement 204

John R. Gibson clerk.



C. J. Taylor

M. J. Yearz

2.04

(14)



Recd of G. J. Taylor Admt. of Ruth Gray dead Eight  
Dollars in part pay for coffin for said Gray May 7/89  
W. S. Crowell



(65)

1853

1853

1853



Received of C. V. Taylor admr of Ruthy  
Yeary Decd \$1.00 for my service as an  
appraiser of the estate of the said Ruthy  
Yeary and for clerking for the same  
this 8<sup>th</sup> day of May 1889 E. M. Russell



16)



Henry. M. Boring

Presented of C. F. Taylor one dollar for  
repairing one clock belonging to the estate of  
Ruthy J. Taylor deceased this the 20 day of April  
1889 C. F. Taylor administrator of said estate



7



Received of, C. J. Taylor Administrator of Ruthy  
Yeary Deceased one Dollar my fee for crying off  
& selling the Estate of said Ruthy Yeary Deceased  
This the 20<sup>th</sup> day of April 1889

C. C. Blankenship



8



Received of

C. J. Taylor admin<sup>ist</sup>  
two dollars & fifty cts  
for good for the benefit  
of Ruthy yearly decem

B. M. Morgan  
A. J. Myers



this the 29 day of July 1889

adorn to see fore me a

letter for me to do

G. S. Taylor L. P.

(2)

This is for Bureau Clerk



$$\begin{array}{r} 120 \\ 70 \\ \hline 50 \end{array}$$

**All Available Text Successfully Captured**




I Henry H. Yeary considering the uncertainty of this mortal life and being of sound mind and memory do make and publish this my last will and testament in manner and form following to wit:—  
first I bequeath to my beloved wife Rutha Yeary during her widowhood, all my lands, together with all my property of every description including my money, &c with the following exceptions; secondly I bequeath to my children Henry M. Yeary & Marquis L. F. Yeary when they shall have reached the age of 21 years, or at the time of their marriage an equal portion with those who have left,  
Thirdly I desire that my daughter Malinda McKee at my decease be made an equal sharer with the above mentioned children.  
Fourthly It is my desire that my son William D. Yeary shall be made equal with the others in property with the exception of a horse which he has already received. Fifthly I desire that my Grandson Benjamin F. McKee if he shall reside with the family and act dutifully, receive an equal partition of property with each of my own children.  
Sixthly it is my request that my Children Elizabeth M. Barker, Malinda L. McKee, Peggy S. Taylor, Rachel M. Taylor, William D. Yeary, Henry M. Yeary and Marquis L. F. Yeary receive each two hundred Dollars before John R. Yeary receive any further portion, as he has already received that amount, and if Rutha my wife or widow during her life can conveniently make



up any of the children the whole or any part thereof of the aforementioned amounts, it is my desire that she <sup>do the same as her ability and</sup> ~~may require~~ opportunity. Lastly, at my wife's decease, I desire that all my children aforementioned receive an equal distribution of all my property, both personal and real estate; considering the provisions before mentioned in this my last will and testament. In testimony whereof I have hereunto set my hand and official seal, this 14th day of October 1881.

W. Woodward

Henry J. Yeary 

William Robinson

W. H. Woodward

Albert S. Woodward

Signed, sealed, and published as and for the last will and testament of Henry H. Yeary, and in his presence and at his request we have subscribed the same as witnesses.

Virginia,

At a county court begun and held for Loudoun county at the court house thereof on Tuesday the 23rd day of February 1881. The last will and testament of Henry H. Yeary deceased was this day produced in court, and forced by the oaths of W. H. Woodward and Albert S. Woodward, two of the subscribing witnesses, and is ordered to be recorded.

Teste John C. Carr D. C.

For James H. Carr Sec. C.

A Copy of the records,

Teste John R. Gibson Clerk



Henry H. Young  
Copy of Last Will

Will Book 3 Page 533  
John R. Gibson  
CLK

A



Commissioners Office.  
February 11<sup>th</sup> 1890.

Pursuant to notice we the undersigned parties met and agree to the following things, First that all of the heirs of Henry H. Yeary dead have received an equal portion of personal Estate not considering the <sup>rents nor the</sup> Legacy of 200\$ spoken of in the will, Second That the only amounts paid <sup>if anything</sup> on the Legacies have been paid by Lehas. J. Taylor as Committee of Rutha Yeary - which is shown by his settlement as such Committee, Third And that the Land is susceptible of being partitioned and each parties interest laid off to him, including such amounts as are still due on the Legacies. Given under our hands this Feby 11<sup>th</sup> 1890

Charles J. Taylor <sup>M. L. Yeary, but he does not  
admit that Taylor paid to the  
proper parties.</sup>  
Margaret J. Taylor R. J. Bayley  
H. M. Conner J. J. Davis  
Charles J. Conner




Chas. J. Taylor  
Agreement  
no 3


M. L. H. Yeary

"X Y"



This deed this 30th day of Nov. 1887. Between Benjamin W. Barker and Elizabeth Barker his wife of the first part, and Margus L. Geary of the second part, all of the county of Lee State of Virginia. Witnesseth that in consideration of the sum of Three hundred dollars in hand paid the receipt of which is hereby acknowledged. The said B. W. Barker and Elizabeth Barker his wife do by these presents give grant bargain sell deliver and convey unto the said Margus L. Geary all their undivided right title and interest in the real ~~estate~~ <sup>estate</sup> of the late Henry H. Geary dead, lying and being in said county of Lee and in Trading creek, about seven miles west or north west of Jansville, the same being all their undivided interest in the real ~~estate~~ <sup>estate</sup> of said Henry <sup>H.</sup> Geary dead, which they acquired by his last will and testament or otherwise, whether such interest is present or future or absolute or contingent, To have and to hold the same with all the appurtenances unto the said Margus L. Geary and his heirs forever. And the said Barker and wife covenant that they will warrant generally the title to the undivided interest hereby conveyed. Witness the following signatures and seals.

B. W. Barker 

E. M. Barker 

Virginia Lee County to wit.

I Peter Bays a Notary Public do certify that B. W. Barker and Elizabeth Barker his wife whose names are signed to the foregoing writing bearing date Nov 30 1887. each personally appeared before me in the county of said



and acknowledged said writing to be their joint act & deed.  
And Elizabeth Barker wife of said B.W. Barker being examined  
by me privately and apart from her said husband, and  
having the writing aforesaid fully explained to her, declared  
that she had willingly signed and executed the same and  
does not wish to retract it.

Given under my hand and seal this 14 day of March 1888

Peter Bays Notary Public

Virginia Lee county court clerk's office June 10th 1889

The foregoing Deed bearing date November 31th 1887. between Benjamin W.  
Baker and wife of the one part and Marguerite L. Gary of the other part  
all of Lee Co. Va was this day filed in this office and admitted to record  
upon the foregoing certificate. Teste John R. Gibson Clerk



Marguis L. Geary <sup>80</sup>

Form } Deed

B W Barker wife

Recorded in Deed Book

Number 24 Page 117.

John R. Gibson Clerk.

Examined

1

Tax 50¢

Chk 1.25

\$1.75

June 10<sup>th</sup> 1889



Virginia Lee county To wit  
I Peter Bays a Notary Public do certify that  
William, D, Geary and Mary Ann Geary his  
wife whose names are signed to the foregoing  
within writing bearing date December the 16<sup>th</sup>  
1887 each appeared personally before me in the  
county aforesaid and ~~acknowledged~~ acknowledged  
said writing to be their joint act and Deed  
and Mary Ann Geary wife of said William  
D, Geary being examined by me separate privately  
and apart from her <sup>said</sup> husband and having  
the writing aforesaid fully explained to her  
Declared that she had willingly signed and  
executed the same, <sup>&</sup> does not wish to retract it  
Given under my hand and seal this the 13<sup>th</sup> day  
of February 1888 Peter Bays N.P.

Virginia Lee county court clerk's Office June 10<sup>th</sup> 1889  
The foregoing Deed bearing date December 16<sup>th</sup> 1887  
between William Geary and wife of the one part - Ed.  
Margues L. Geary of the other part was this day filed  
in this office and admitted to record, upon the foregoing  
certificate. Teste John R. Gibson Ck.



This Deed This 1<sup>th</sup> day of December 1887 between William  
D Geary and Mary Ann Geary his wife of the first <sup>part</sup> &  
Marquis, L, Geary of the second part all of the county  
of Lee & state of Virginia Witnesseth That in consider  
ation of The sum of three hundred dollars in  
hand paid <sup>or secured by note</sup> The receipt of which is here by ackno  
wledged the said ~~Marquis L Geary~~ William, D,  
Geary & Mary Ann Geary his wife do by these  
presents give grant bargain sell deliver & convey  
unto the said Marquis L Geary all their undi  
vided right title and interest in the real estate of the  
late Henry H, Geary Deceased lying & being in the said  
county of Lee and on Trading creek about seven miles  
west or northwest of Leesville the same being all their  
undivided interest in the real Estate of said H  
H, Geary Dec which they acquired by his last will  
& testament or otherwise whether such interest is pres  
ent or future absolute or contingent to have & to hold  
the same with all the appurtenances unto the said  
Marquis L Geary & his heirs forever and the said  
William, D, Geary & wife covenant that they will  
warrant Generally the title to the undivided interest  
hereby conveyed Witness the following signatures  
and seals

William D <sup>his</sup> Geary (Seal)  
Mary Ann <sup>in</sup> Geary (Seal)  
mark

M. D. L. Geary

Marquis L Geary

M. D. Geary wife

(2)



Marquis, L. Yeary  
From } Deed

Wm D Yeary & wife  
Recorded in Deeds  
Book No 24 P 113

John R. Gibson  
Examined Clerk

2

For  
Clerk 125

June 10<sup>th</sup> 1889



This Deed this the 12<sup>th</sup> day of March 1889 between John R. Yeary  
and Emily Yeary his wife of the first part and Marquis  
L. Yeary of the second part all of the county of  
Lee and state of Virginia Witnesseth That the said  
John R. Yeary and Emily Yeary his wife in consideration  
of the sum of Two hundred Dollars to them in hand paid  
<sup>or secured to be paid by note</sup>  
the receipt of which is hereby acknowledged the said  
John R. Yeary & Emily Yeary his wife do by these  
presents give grant bargain sell deliver and convey unto  
the said Marquis L. Yeary all their undivided right title  
and interest in the real <sup>and personal</sup> estate of the late Henry H. Yeary  
Deceased lying and being in said county of Lee on Trading  
Creek about seven miles west <sup>or</sup> North west of Leesville the  
same being all their undivided interest in the real and  
personal Estate of the said Henry H. Yeary deced which they  
acquired by his last will and Testament or otherwise  
whether such interest is present or future absolute or con-  
tingent to have and to hold the same with all the ap-  
purtenances unto the said Marquis L. Yeary and his heirs  
forever and the said John R. Yeary and wife Covenant  
that they will warrant generally the title to the undivided  
interest hereby conveyed Witness the following signatures  
and seals

John R. Yeary (seal)

Emily Yeary (seal)



Virginia Lee county To Wit

I Peter Bays a Notary Public for Lee county  
in Virginia Do certify that John R. Yeary and  
Emily Yeary his wife whose names are signed  
to the foregoing <sup>Deed</sup> within bearing date the 12<sup>th</sup> day of  
March 1889 acknowledged the same before me in my  
county aforesaid Given under my <sup>hand</sup> the 29<sup>th</sup> day of  
May 1889 Peter Bays, N.P.



M. L. Yeary  
From Deed

John R. Yeary & wife

2



This deed made this 22nd day of March 1889 between Rosa B. Smith widow of Jonathan S. Smith decd. of the first part and Marguis S. Geary of the second part both of the County of Lee State of Virginia: Witnesseth that in consideration of an exchange of lands, the said Rosa B. Smith doth by these presents give grant bargain sell deliver and convey unto said Marguis S. Geary all her undivided right title and interest in that tract of land lying and being in said County of Lee owned by H. H. Geary at the time of his death. And the interest hereby conveyed being one fourth of One undivided eighth part thereof and the same being that interest which descended to her from her grand mother - Melinda Gory decd. who was a daughter of said H. H. Geary decd, and the said Rosa B. Smith doth further bargain sell and convey to said M. S. Geary her dower right and interest in or and to one other undivided eighth part of said H. H. Geary farm the same being that one eighth part owned by Jonathan S. Smith at his death and now owned by his then minor children, and this entire conveyance is made subject to the life estate therein of Ruth Geary widow of said H. H. Geary. And to have and to hold said interests hereby conveyed subject to said life estate, with all the appurtenances unto the said M. S. Geary and his heirs forever. And the said Rosa B. Smith covenants that she will warrant generally the title to the interests hereby conveyed.

Witness the following signature & seal

Rosa B. Smith

(seal)

Virginia Lee County to wit:

I Edward M. Russell a justice of the peace in and for the County and State of Virginia, do certify that Rosa B. Smith



whose name is signed to the foregoing writing bearing date  
March the 22nd 1889 has acknowledged the same before me  
in the said county to be his act and deed

Given under my hand the 26<sup>th</sup> day of March 1889.

E. M. Russell J.P.

Marquis L. Gentry

From } Deed

Dona B. Smith

(Att)



1 This deed made the 23<sup>rd</sup> day of April 1889 between John  
2 M. Morgan commissioner as herein after stated of the  
3 first part, and Marquis L. Geary of the second part,  
4 both of the County of Lee State of Virginia; Witnesseth  
5 that by a decree of the Circuit Court of Lee County rendered  
6 on the 2<sup>nd</sup> day of April 1889, in the Chancery Cause therein  
7 pending, of George W. Smith Guardian & Plaintiff and Napoleon  
8 B. Smith others defendants the said John M. Morgan was  
9 appointed a commissioner and directed to convey to said  
10 M. L. Geary all the interest right and title of the said Napoleon  
11 B. Smith Leonard L. Smith and Ulysses G. Smith in and to  
12 what is known as the Old H. H. Geary farm the same being  
13 one undivided eighth part thereof. In consideration of the  
14 premises and of One dollar in hand paid the receipt of  
15 which is hereby acknowledged, the said John M. Morgan as  
16 such commissioner doth by these presents give grant bargain  
17 sell and deliver unto the said M. L. Geary all the undivided  
18 right title and interest of the said. Napoleon B. Leonard L. and  
19 Ulysses G. Smith the infant defendants in said suit in and to  
20 what is known as the Old H. H. Geary farm supposed to contain  
21 150 or 160 acres lying and being in said county of Lee and  
22 on the head waters of Tarding creek To have and to hold the  
23 said undivided interest with all the appurtenances unto the  
24 said M. L. Geary and his heirs forever and the said John  
25 M. Morgan covenants that he will warrant only specially  
26 the interest hereby conveyed; Witness the following signature and  
27 John M. Morgan (seal)

28 Virginia Lee County Court

29 I John R. Gibson Clerk of the County Court of Lee County in the  
30 State aforesaid do certify that John M. Morgan whose name  
31 is signed to the foregoing writing bearing date April 23<sup>rd</sup> 1889,  
32 personally appeared before me in my office and acknowledged.



Marquis L Geary

From } Deed

John M. Morgan Bank

Recorded in Deed Book

Number 24 Page 131

John R. Gibson Clerk

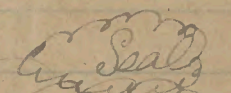
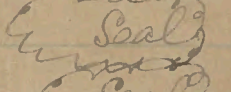
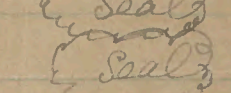
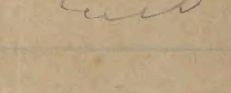
(J. M. M.)

Deed writing to be his act and deed the said Marquis L. Geary  
Gives under my hand this 2 day of Sept 1889.  
John R. Gibson Clerk



This Deed made on, this the Second day of July 1881  
between Robert J. Bailey and Mary E. Bailey his wife and  
Henry J. Davis and Rachel M. Davis his wife of the one part  
and Jonathan L. Smith of the other part all of Lee  
County Virginia witnesseth that for and in Consideration  
of the Sum of two hundred dollars part of which  
is paid and part of which is to be paid the said  
Robert J. Bailey and Mary E. Bailey his wife and Henry J. Davis  
and Rachel M. Davis his wife have this day Granted Bar-  
gained and Sold and hereby Conveyed to the said Jona-  
than L. Smith all their undivided right title and in-  
terest in and to the real estate lately belonging to  
Henry Yeary deceased which lies on the waters of Trading  
Creek about seven or eight miles west of Jonesville  
in Lee County Virginia the said Mary E. Bailey and  
Rachel M. Davis being the children of Henry M. Yeary de-  
ceased who was a son of said Henry Yeary deceased  
who died seized and possessed of the said land and  
the Share that would have descended to said Henry M.  
Yeary had he been living descended to the said Mary E.  
Bailey and Rachel M. Davis and which is the undivided  
eighth part of said land which is hereby granted

Bargained Sold and Conveyed and this Conveyance is to  
include all the said Mary E. Bailey and Rachel M. Davis  
legal and equitable right to the land owned by the said  
Henry Yeary Sr. deceased at the time of his death. And  
the said parties of the first part hereby reserve and retain  
a vendor's equitable lien on the Share of land hereby Con-  
veyed for the balance of the purchase money and interest  
thereon. And the parties of the first part hereby warrant  
generally the right and title to the land hereby Conveyed  
against the Claims of all persons whatever. Witness  
the following Signatures and Seals.

Robert J. Bailey   
Mary E. Bailey   
Henry J. Davis   
Rachel M. Davis 

Virginia Lee County To wit

I Jacob Harris a Justice of the  
Peace for the County aforesaid in the State of Virginia do  
Certify that Robert J. Bailey and Henry J. Davis whose names  
is signed to the writing above bearing date on the second day  
of July 1881 has acknowledged the same before me in my



County aforesaid given under my hand this the 25<sup>th</sup> day of  
January 1882. Caleb Harris J. P.

Virginia Lee County to wit. we Caleb Harris and N. M. Scott, justices of the peace for the County aforesaid in the State of Virginia do certify that Mary E. Bailey wife of Robert J. Bailey and Rachel M. Davis wife of Henry J. Davis whose names is signed to the writing above bearing date on the second day of July, 1881, personally appeared before us in the County aforesaid and being examined by us privily and apart from their husbands and having the writing aforesaid fully explained to them, they the said Mary E. Bailey and Rachel M. Davis acknowledged the ~~same~~ said writing to be their act and declared that they had willingly executed the same and does not wish to retract it. given under our hands this the 25<sup>th</sup> day of January 1882. Caleb Harris J. P. N. M. Scott J. P.

4

4

Virginia Lee County Court Clerks office Dec the 20<sup>th</sup> 1886  
The foregoing deed bearing date 2nd day of July 1881 between Robert J. Bailey & wife and Henry J. Davis & wife of the one part, and Jonathan L. Smith of the other part, all of Lee County Virginia, was this day filed in this office and admitted to record upon the certificates of Caleb Harris & N. M. Scott two justices of the peace for Lee County Virginia.

(4)

Teste John R. Gibson Clerk

Jonathan L. Smith  
From Reed  
Robert J. Bailey & wife &  
Henry J. Davis & wife  
Recorded in Reed Book  
No 22 P 36.

J. R. Gibson T. 50  
Clerk L. 12 5-  
12 7 5 Paid

File Dec 27<sup>th</sup> 1886



# Henry H. Yeary

1 Elizabeth Barker -

2 John R. Yeary -

3 - Peggy Taylor wife of Rubin

4 - Rachel Taylor " " Charles

5 Wm. D. Yeary

6 Henry M. Yeary who died

+ leaving Mary Bailey wife of

Robert J. Bailey, + Rachel

Davis wife of Henry Davis

7 Malinda Yeary who first

married one McKee, had

one child by him Francis

who married + had one

+ child Rosa, who married

J. L. Smith - afterwards

Malinda, married one

Levey and had three

children to wit, Noble,

Polley and Charles D.

Levey -

8 Wm. D. L. Yeary

Henry H. Yeary

died 1881

M. D. L. Yeary purchases

the Real Est of Elizabeth

Barker and the Real + personal

John R. Yeary - the

Real Estate of W. D. Yeary

- the Real Est of Mary

Bailey + Rachel Davis

and the Real Est of

Rosa Smith

Margaret Taylor wife

of Rubin Taylor full int

Rachel Taylor wife of

Chas. J. Taylor full int

H. Noble, Levey Mary E. Buelles

and Chas D. Levey

own  $\frac{3}{4}$  of  $\frac{1}{2}$  full int -

Rutha Yeary died

March 20<sup>th</sup> 1889.

$$\frac{1}{2} \text{ of } \frac{1}{2} = \frac{1}{4}$$

$$\begin{array}{r} 21 \\ 4 \\ 4 \\ 3 \\ \hline 32 \\ \hline 32 \end{array}$$

M. D. L. Yeary has  $\frac{5}{8}$   $\frac{20}{32} + \frac{1}{32} = \frac{21}{32}$   
 R. Taylor  $\frac{1}{8}$  on  $\frac{4}{32}$   
 Levas "  $\frac{1}{8}$  on  $\frac{4}{32}$   
 Levey heirs  $\frac{1}{8}$  on  $\frac{4}{32}$



Memo

$$\begin{array}{r} 33.09 \\ \underline{21} \\ 3309 \\ \underline{6618} \\ 32 \overline{) 69489} \quad (217) \\ \underline{64} \\ 54 \\ \underline{32} \\ 228 \\ \underline{224} \\ 49 \end{array}$$



C. J. Taylor et al

against -

M. L. Yeary et als.

Peffs

Defts

In chq.

Court - Hyatt in this case will please make a statement showing the entire amount in the hands, and that came to the hands, of Taylor Committee, and applying the same to the \$200 - legacies, and then showing what bal will remain due on the legacies and to whom due; and in presenting this view the Court will treat M. L. Yeary as the owner of all the legacies claimed by him under his purchases, and entitled to so much of the fund in Taylor's hands in this view as his purchases will thus show him the owner of; and will then make a statement distributing the entire fund thus found in Taylor's hands, that accumulated before the widow's death, to the several heirs on the legacies; and then show the bal due on said legacies and to whom due, giving to Yeary the bal on the legacies claimed by him, and then apply the fund in Taylor's hands, accumulated since the widow's death, to these balances, and show the residue yet due on legacies and to whom.

Then prepare another statement giving to each heir his share of the rents & profits of the land and the \$50 <sup>on his legacy</sup> up to the time of his sale to Yeary, <sup>on his legacy</sup> and the bal to Yeary under his purchases.

James W Orr, for Defts



"O"

Memo.



Virgineid:

In the clerk's office of  
the Circuit Court for Lee  
County, July 2<sup>d</sup> 1889.

Charles Taylor et al      Pliffs }  
                vs.                 } In Chancery  
M D L F Yeary et al      Defts }

The object of this suit is to have an account of advancements made by Henry Yeary in his life time to his various heirs, taken; to have the legacies paid to those set out in said Yeary's will, and to equalize all the heirs with John R. Yeary; and to have partition of the residue of the real estate mentioned in said bill, among those entitled thereto, and it appearing from an affidavit filed in this cause that the defendant Benjamin F. McKee is a non resident of this State, It is therefore ordered that he appear here within fifteen days after due publication of this order and do what may be necessary to protect his interest in this suit.

A. L. Pridemore P. Q. A Copy Teste. J. S. G. Hyatt clerk



Charley Taylor

vs 3 Order Rule

M. D. L. Yeary

I certify that I delivered an office copy of this order to the "Republican" July 24/1889 for publication, and posted a like copy thereof on front door of Lee C. H. on the first day of Aug Term 1889 of County Court.

J. H. Hyde



The Commissioners C. C. Elliott  
E. S. Woodward and A. P. Hymn  
appointed to divide the Land  
of Henry Yeary and  
will lay off and assign

M. L. Yeary  $4\frac{1}{4}$  Equal shares  
Same 1 Share (That of  
John R. Yearys) less in value  
190\$ than the other shares

$5\frac{1}{4}$   
1  
1  
 $1\frac{3}{4}$   
8 Shares Rubin Taylor wife one Equal  
share.  
C. J. Taylor wife one Equal  
share.

The Covey heirs  $\frac{3}{4}$  of an  
equal share.

J. A. Styratt Clerk  
& Commr.

Oct 31<sup>st</sup> 1890.

$$\begin{array}{r} 190.00 \\ 4 \overline{) 570} \\ 4 \overline{) 2350} \end{array}$$

$$\begin{array}{r} 8190.00 \\ 23.50 \end{array}$$

$$\begin{array}{r} 190.00 \\ 142.50 \\ 47.50 \\ 5.93\frac{3}{4} \\ 41.56\frac{1}{4} \end{array}$$

$$\begin{array}{r} 190.00 \\ 23.75 \\ 4166.25 \\ 41.56\frac{1}{4} \end{array}$$



For  
C. C. Elliott



Virginia

At a circuit Court Continued  
and held for Lee County at the Court  
House thereof September 5<sup>th</sup> 1890.

C. J. Taylor & wife et al      Defts  
against      Pub. Chy.  
M. D. L. Geary et al      Defts

# # # # And C. C. Elliott  
E. S. Woodward and P. Hym  
are appointed Commissioners,  
whose duty it is to partition  
the land in the bill mentioned  
having due regard to water  
ways, Timber and Conveniences  
assigning to each his land  
adjoining any he may own  
if the same can be done without  
prejudice to other parties and  
until the coming in of said  
report this Cause is Continued

I Copy  
Teste J. A. G. Hyatt

Parts owned by

M. D. L. Geary	2/32	}	32 32
C. J. Taylor & wife	4/32		
Rubin Taylor & wife	4/32		
E. D. Levey	1/32		
H. M. Levey	3/32		
Mary E. Bales	1/32		



$$\begin{array}{r}
 42 \\
 \hline
 19 \\
 \hline
 11
 \end{array}$$

$$\begin{array}{r}
 8 \overline{) 125} \\
 \underline{15} \phantom{0} \\
 12 \phantom{0} \\
 \underline{8} \phantom{0} \\
 32
 \end{array}$$

$$\begin{array}{r}
 125 \\
 \hline
 19 \\
 \hline
 11
 \end{array}$$

$$\begin{array}{r}
 125 \\
 \hline
 19 \\
 \hline
 11
 \end{array}$$

$$\begin{array}{r}
 20 \\
 \hline
 15 \\
 \hline
 5
 \end{array}$$

$$\begin{array}{r}
 100 \\
 \hline
 20 \\
 \hline
 312 \\
 \hline
 190 \\
 \hline
 15 \overline{) 112}
 \end{array}$$



$$\begin{array}{r}
 8 \overline{) 125} \\
 \underline{16} \phantom{0} \\
 4 \phantom{0} \\
 \underline{40} \phantom{0} \\
 4 \phantom{0} \\
 \underline{64} \phantom{0} \\
 2 \phantom{0} \\
 \underline{5} \phantom{0} \\
 71 \\
 \underline{5} \phantom{0} \\
 83
 \end{array}$$

from  
C. C. Elliott

119  
to a Maple & Tere ceras.

311p.

$$\begin{array}{r}
 8 \overline{) 144} \\
 \underline{22} \phantom{0} \\
 440
 \end{array}$$

$$\begin{array}{r}
 8 \overline{) 3480} \\
 \underline{435} \phantom{0} \\
 190 \phantom{0} \\
 \underline{240}
 \end{array}$$

$$\begin{array}{r}
 8 \overline{) 174} \\
 \underline{214}
 \end{array}$$



- To M. D. L. George,

Sir: Whereas on the 4<sup>th</sup> day of Dec. 1890 there was rendered a decree in our, the undersigned, favor for various sums as therein stated, and whereas the said court also pronounced in our favor as to the costs of said suit - but by clerical error word "defendant" was so written as to recover costs.

You will therefore Take notice that on the 5<sup>th</sup> day of the next term of the Circuit Court of Lee County, Virginia, I will move said court to correct said errors in said decree and to properly lay its costs of said cause in accordance with said former decision & the right of the case & for the costs of this motion.

March 12, 1891-

Charles Laylor & wife  
& others.



Charles Taylor & wife et al

~~Do~~ Notice

M. D. L. Gary -

Executed by delivering  
a copy of the within  
notice to M. D. L. Gary  
March 28<sup>th</sup> 1897

C. H. Kincaid Deft -  
for

A. B. Munsey  
D. L. C.



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*M. D. L. F. Yearry*  
*John R. Yearry, Benj. F. McKee and*  
*Reese D. Flannery Sheriff and Administrator*  
*of the Estate of Henry Yearry deceased*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *June* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

*Thereto*

by

*Chas. Layton & Rebecca Layton his wife*

*Elizabeth Barker, Rubin Layton & Margaret Layton his wife, Wm. D. Yearry*  
*Robert J. Bailey & Mary E. Bailey his wife, Henry J. Davis & Rachel M. Davis*  
*his wife, Noble Levey, Chas. D. Levey, Wm. Bales & Polly Bales his wife*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *18<sup>th</sup>* day of *May* 1887, in the 11<sup>th</sup> year of the Commonwealth.

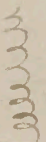
*J. A. G. Hyatt* Clerk.

A Copy Teste



(P)

Chas. Taylor et al

vs  Spain Chcy

M. D. L. F. Yeaman et al

Lo 1<sup>st</sup> June Rules 1889

Executed

~~E. S. Bishop & Co~~  
for R. D. Flanagan

S. L. C.

Executed by  
delivering office  
copies of the written  
to M. L. Yeaman  
John R. Yeaman &  
R. D. Flanagan  
~~E. S. Bishop & Co~~  
for R. D. Flanagan

June 3<sup>rd</sup> 1889  
S. L. C.



VIRGINIA: In the clerks' office of  
the Circuit Court for Lee County, July  
2, 1889.

Charles Taylor *et al* Plffs. }  
vs. } In Ch'cy.  
M. D. L. F. Yeary *et al* Defts }

The object of this suit is to have an account of advancements made by Henry Yeary in his life time to his various heirs, taken; to have the legacies paid to those set out in said Yeary's will, and to equalize all the heirs with John R. Yeary; and to have partition of the residue of the real estate mentioned in said bill, among those entitled thereto.

And it appearing from an affidavit filed in this cause that the defendant Benjamin F. McKee is a non resident of this state. It is therefore ordered that he appear here within fifteen days after due publication of this order and do what may be necessary to protect his interest in this suit.

A copy—Test:

J. A. G. HYATT, Clerk.

A. L. PRIDEMORE, P. Q.

1 4w

I, Geo. W. Blankenship, Pub. & Manager Lee Co.  
Republican, a newspaper published in the  
town of Jonesville, & county of Lee, do certify  
that the foregoing Order of Publication was  
duly published in the above named paper  
for four successive weeks ending August  
8th, 1889.

Geo. W. Blankenship,  
Pub & Mgr. Lee Co. Republican.



Charley Taylor

3 Pub. Certif.  
vs 3

M. D. L. Yeary

Filed Aug. 16<sup>th</sup> 1889

J. A. Hyatt & Co

Pub. fee 5<sup>00</sup>

35  
15  
20  
3  
5  
80